



# California Regulatory Notice Register

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OCTOBER 28, 2011

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest code of the following:

#### CONFLICT-OF-INTEREST CODE

##### AMENDMENT

MULTI-COUNTY: San Joaquin Delta Community College District

A written comment period has been established commencing on **October 28, 2011**, and closing on **December 12, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **December 12, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code(s) and approve it as revised, or return the proposed code(s) for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

### NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

#### I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to add Article 8.1 entitled "Terminated Agency Pool Asset Allocation Strategy" in Title 2 of the California Code of Regulations. Section 590 would be added to Article 8.1. This proposed regulatory action pertains to all terminating contracting agencies, county offices of education, school districts, and community college districts, as well as all assets currently in the Terminated Agency Pool (Pool).

#### II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established on **October 28, 2011**, and closes on **December 12, 2011, at 5:00 p.m.** The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via facsimile at (916) 795-4607; email at [James\\_Croft@calpers.ca.gov](mailto:James_Croft@calpers.ca.gov); or mailed to the following address:

James Croft, Regulations Coordinator  
California Public Employees' Retirement System  
P.O. Box 942702  
Sacramento, California 94229-2702  
Telephone: (916) 795-9528

#### III. PUBLIC HEARING

Comments on the proposed actions will also be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the CalPERS Benefits and Program Administration Committee:

December 13, 2011

Upon conclusion of the BPAC Committee  
California Public Employees' Retirement System  
Auditorium, Lincoln Plaza North  
400 Q St.  
Sacramento, California 95811

#### IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

#### V. AUTHORITY AND REFERENCE

The CalPERS Board of Administration (Board) has general authority to take regulatory action under Government Code Section 20121. This action would implement, interpret, and make specific Government Code sections 20570-20593 and 20174.

#### VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Due to the way the Terminated Agency Pool (Pool) is currently funded, there is a risk that CalPERS will not be able to meet its obligation to its members at some point in the future if some of the actuarial assumptions are not met. Although the Pool currently remains overfunded, the termination of one employer (or a number of smaller employers) with liabilities in excess of \$500 million could significantly dilute the funded status of the Pool and substantially increase this risk.

At the August 2011 meetings the CalPERS Board adopted in concept to change the investment policy and asset allocation strategy for the existing assets in the Pool to reflect and match the characteristics of future expected benefit payments of the Pool.

The proposed regulations are intended to provide the ability to CalPERS to credit the Pool with income and interest earned on those assets in accordance with any strategic investment policy and/or asset allocation strategy determined by the CalPERS Board for the Pool.

#### VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business as it applies only to internal CalPERS operations.

#### VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action would not place any mandate on local agencies or school districts.

- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impose costs or savings for any state agency.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500, et seq.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose nondiscretionary costs or savings on any local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action has no significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states. The proposed regulatory action in combination with the CalPERS Board's decision to adopt an asset allocation strategy for the existing assets in the Pool that reflects and matches the characteristics of future expected benefit payments of the Pool may have an adverse impact on local economies where the local agency terminates its contract with CalPERS and does not have enough resources to fund the increase in termination costs, if any, associated with this regulatory action and the change in asset allocation. If there are increases in costs they may be offset by either 1) a reduction in benefits if the local agency does not pay the full termination costs or, 2) Savings produced by not providing ongoing pension benefits for future service.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** The CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed regulatory action in combination with the CalPERS Board's decision to adopt an asset

allocation strategy for the existing assets in the Pool that reflects and matches the characteristics of future expected benefit payments of the Pool may have an adverse impact on local economies where the local agency terminates its contract with CalPERS and does not have enough resources to fund the increase, if any, in termination costs associated with this regulatory action and the change in asset allocation. If there are increases in costs they may be offset by either 1) a reduction in benefits if the local agency does not pay the full termination costs or, 2) Savings produced by not providing ongoing pension benefits for future service. As a result, the local agency may raise taxes, which may impact the ability of local businesses to create jobs.

- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action in combination with the CalPERS Board's decision to adopt an asset allocation strategy for the existing assets in the Pool that reflects and matches the characteristics of future expected benefit payments of the Pool may have an adverse impact on local economies where the local agency terminates its contract with CalPERS and does not have enough resources to fund the increase, if any, in termination costs associated with this regulatory action and the change in asset allocation. If there are increases in costs they may be offset by either 1) a reduction in benefits if the local agency does not pay the full termination costs or, 2) Savings produced by not providing ongoing pension benefits for future service. Taxes may be levied on houses to fund the increase in termination costs.

## IX. CONSIDERATION OF ALTERNATIVES

The Board must determine no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the above mentioned hearing or during the written comment period.

## X. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:



Bill Karch  
Actuarial Office  
California Public Employees Retirement System  
P.O. Box 942709  
Sacramento, CA 94229-2709

Telephone: (916) 795-2856  
Fax: (916) 795-2744  
Email: Bill\_Karch@calpers.ca.gov

Please direct requests concerning the processing of this regulatory action to James Croft, Regulations Coordinator, at the address shown in Section II.

#### XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulation Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to James Croft, Regulations Coordinator, at the address shown in Section II.

For immediate access, the regulatory material regarding this action can be accessed at [www.calpers.ca.gov](http://www.calpers.ca.gov) under About CalPERS; Legislation, Regulations, and Statutes; Regulatory Actions; Current Regulatory Actions.

#### XII. AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed addition to the regulations after the public comment period closes. It may amend CCR section 590 if the changes are sufficiently related to the original text so that the public could have anticipated them.

If the Board modifies its regulatory action, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments, testified or submitted written comments at the public hearing, or

asked to be kept informed as to the outcome of this regulatory action.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

#### Notice of Proposed Rulemaking

##### 45-Day Notice

The Department of Food and Agriculture adopted subsection 3591.25 of the regulations in Title 3 of the California Code of Regulations pertaining to *Anastrepha striata* Eradication Area as an emergency action that was effective on October 10, 2011. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than April 9, 2012.

This notice is being provided to be in compliance with Government Code Section 11346.4.

#### PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on December 12, 2011. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The adoption of Section 3591.25 established San Diego County as an eradication area for the New World fruit fly, *Anastrepha striata*, the hosts and the means and methods for eradication or control. The effect of this action was to establish authority for the State to conduct eradication activities in San Diego County against this pest. There is no existing, comparable federal regulation or statute.

## DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no other non-discretionary costs or savings to local agencies or school districts.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;

- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California

Significant effect on housing costs: None.

## *Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

## ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

## AUTHORITY

The Department proposes to adopt section 3591.25 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

## REFERENCE

The Department proposes to adopt section 3591.25 to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

## CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Lindsay Rains at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

## INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (<http://www.cdfa.ca.gov/plant/Regulations.html>).

**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 3. DEPARTMENT OF  
PESTICIDE REGULATION**

Prevention of Surface Water Contamination  
by Pesticides  
DPR Regulation No. 11-004

**NOTICE OF PROPOSED REGULATORY ACTION**

The Department of Pesticide Regulation (DPR) proposes to amend section 6000 and adopt sections 6970 and 6972 of Title 3 California Code of Regulations (3 CCR). The proposed action would identify pesticides that have a high potential to contaminate surface water in outdoor nonagricultural settings, and require pest control businesses, including maintenance gardeners, that apply these pesticides to take actions to minimize that contamination.

**SUBMITTAL OF COMMENTS**

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on December 12, 2011. Comments regarding this proposed action may also be transmitted via e-mail to <dpr11004@cdpr.ca.gov> or by facsimile at 916-324-1452.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written

request to DPR no later than 15 days prior to the close of the written comment period.<sup>1</sup>

**EFFECT ON SMALL BUSINESS**

DPR has determined that the proposed regulatory action does affect small businesses.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

State law mandates that DPR protect human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management.

Pesticides are applied to crops and other rural and urban sites to control diseases, insects, weeds, and other pests. Some pesticides have contaminated surface water as a result of those applications. If pesticides reach surface water at certain concentrations, they can cause toxicity to aquatic organisms, including fish, invertebrates such as water fleas, and nonvascular plants such as algae. They can also exceed drinking water levels that are protective of human health. Food and Agricultural Code (FAC) section 11501 states that one of the purposes of Division 6 (Pest Control Operations) and the parts of Division 7 (Agricultural Chemicals, Livestock Remedies, And Commercial Feeds) of the FAC that address pesticide regulation is, "To protect the environment from environmentally harmful pesticides by prohibiting, regulating, or ensuring proper stewardship of those pesticides."

Federal, state, and local entities have sampled surface water for pesticides, including the U.S. Geological Survey, Dow AgroSciences, DPR, the State Water Resources Control Board, the Central Valley Regional Water Quality Control Board, Deltakeeper, the San Francisco Estuary Institute, the Sacramento River Watershed Program, and various regional water quality coalitions, counties, and cities. These sampling results are stored in the DPR Surface Water Database. This sampling has shown that pesticides contaminate surface water both in agricultural and urban areas.

The proposed regulatory action pertains to the following 17 pyrethroid pesticides: bifenthrin, bioallethrin, S-bioallethrin, cyfluthrin, beta-cyfluthrin, gamma-cyhalothrin, lambda-cyhalothrin, cypermethrin, deltamethrin, esfenvalerate, fenpropathrin, tau-fluvalinate, permethrin, phenothrin, prallethrin, resmethrin, and tetramethrin. The pesticides addressed in this proposal were selected based on the following criteria: (1) subject to the U.S. Environmental Protec-

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<sup>1</sup> If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.



tion Agency's Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products Notification of June 4, 2009, and (2) registered for outdoor structural, residential, industrial, or institutional use in California.

This proposal would adopt mitigation measures that would apply to the outdoor use of these pesticides when applied by pest control businesses, including maintenance gardeners, in nonagricultural settings.

The proposal would adopt 3 CCR section 6970 to specify allowable application methods for the 17 pesticides mentioned above when used in outdoor nonagricultural settings, and when applied by pest control businesses, including maintenance gardeners. These proposed application methods would reduce the amount of pesticides available for runoff to surface water. Restrictions would include applications to the soil surface, mulch, gravel, lawn, turf, or groundcover; horizontal impervious surfaces; vertical structural surfaces, such as walls, foundations, windows, doors, and fencing; and granule formulations.

In addition to DPR's proposal to limit applications to specific methods in order to reduce surface water contamination, DPR proposes to prohibit any application under certain circumstances. These requirements are designed to prohibit applications during precipitation that can carry these pesticides in runoff water to surface water, and to reduce the amount of these pesticides applied that could be carried by rain water to surface water.

DPR proposes to adopt 3 CCR section 6972 to exempt certain applications of the listed pesticides from the proposed mitigation measures because they would not be subject to runoff to surface water or are being addressed by other agencies, or because specified uses are being addressed by the regional water quality control boards via National Pollutant Discharge Elimination System permits.

DPR also proposes to adopt definitions to help clarify terminology proposed in section 6970.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code, because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies

or school districts are expected to result from the proposed regulatory action.

County agricultural commissioner (CAC) offices will be the local agencies responsible for enforcing the proposed regulations. DPR anticipates that there will be no fiscal impact to these agencies. DPR negotiates an annual work plan with the CACs for enforcement activities.

#### COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

#### EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

#### EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. This proposed action is expected to result in an annual net savings of \$2.7 million during 2012–2016. Home residents, commercial and institutional property operators, and pesticide applicators are expected to incur a savings of \$6.1 million due to reduced pesticide use. However, it is expected there will be an increased cost to applicators of \$3.4 million (\$138 per business per year) as the proposed action specifies when pesticides cannot be applied (some lost business during rainfall and standing water). Applicators will also incur costs as they are expected to increase the frequency of return visits (call backs) resulting from less pesticide used on site.

**IMPACT ON THE CREATION, ELIMINATION,  
OR EXPANSION OF JOBS/BUSINESSES**

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

**CONSIDERATION OF ALTERNATIVES**

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

**AUTHORITY**

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 11052, 12111, 12781, 12976, 12981, and 14005.

**REFERENCE**

This regulatory action is to implement, interpret, or make specific FAC sections 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146, and 14006.

**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS**

DPR has prepared an Initial Statement of Reasons and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

**AGENCY CONTACT**

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator  
Office of Legislation and Policy  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, California 95812-4015  
916-445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following person at the same address as noted below:

Mark Pepple, Staff Environmental Scientist  
Environmental Monitoring Branch  
916-324-4086

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the proposed text can be made available in an alternate form as a disability-related accommodation.

**AVAILABILITY OF FINAL  
STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

**TITLE 8. OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING/PUBLIC  
HEARING/BUSINESS MEETING OF  
THE OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS BOARD**

**AND NOTICE OF PROPOSED CHANGES  
TO TITLE 8 OF THE CALIFORNIA CODE  
OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and

Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **December 15, 2011**, at 10:00 a.m.  
in the Auditorium of the State Resources Building,  
1416 9th Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **December 15, 2011**, following the Public Meeting,  
in the Auditorium of the State Resources Building,  
1416 9th Street, Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

#### **BUSINESS**

**MEETING:** On **December 15, 2011**, following the Public Hearing,  
in the Auditorium of the State Resources Building,  
1416 9th Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

#### **DISABILITY ACCOMMODATION NOTICE**

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-

Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

#### **NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **December 15, 2011**.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 4, Article 25  
Section 1675  
**GENERAL INDUSTRY SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 7, Article 4  
Sections 3276 and 3278  
**Single-Rail Ladders**
2. **TITLE 8: CONSTRUCTION SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 4, Article 35  
Section 1905  
**Helicopter Fueling**

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 4, Article 25  
Section 1675  
**GENERAL INDUSTRY SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 7, Article 4  
Sections 3276 and 3278  
**Single-Rail Ladders**

## INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The proposed amendments are the result of a Division of Occupational Safety and Health (Division) Form 9-070, dated April 7, 2011, to correct an unintended consequence of the recent reorganization of the Title 8 ladder standards. Prior to the reorganization, single-rail ladders (portable and fixed) were prohibited by General Industry Safety Orders (GISO), Section 3278, Use of Ladders. A single-rail ladder is a ladder with rungs, cleats or steps mounted on a single-rail instead of the normal two rails used on most other ladders. Following the January, 2010 reorganization of the ladder standards, the title of Section 3278 changed to "Use of Fixed Ladders." As a result of this change, the use of single-rail fixed ladders remained prohibited, whereas single-rail portable ladders arguably were permitted. The Division is concerned that the unintended change to Section 3278 is not at least as effective as (ALAEA) federal OSHA standards for portable ladders. Federal OSHA ladder regulations under 29 CFR Parts 1910 and 1926 prohibit the use of single-rail ladders.

The Division proposes to correct this oversight by adding a prohibition on single-rail ladders to GISO, Section 3276, Portable Ladders, and by adding definitions of "single-rail ladder" to both Sections 3276 and 3278. According to the Division, definitions are needed in both sections because the term "single-rail ladder" is often confused with the term "single ladder" which is used in both sections.

Board staff proposes to include a GISO definition for single-rail ladder in Section 3276 and a prohibition on the use of such ladders. In addition, staff proposes to define single-rail ladders in Section 3278 consistent with the existing prohibition on single-rail ladder use and prohibit single-rail ladder use in the Construction Safety Orders (CSO) to ensure that California is ALAEA federal OSHA construction standards for this issue. Single-rail ladders are already defined in the CSO, Section 1504, definitions for ladders.

### **Section 3276. Portable Ladders.**

Subsection (b) of this section consists of definitions of terminology used in the standards that comprise this section. An amendment is proposed to add a definition for the term "single-rail ladder." This definition will clarify to the employer the meaning and application of the proposed standard prohibiting single-rail ladder use in new subsection (d). An amendment is proposed for Section 3276(d)(1) which pertains to the selection and use of portable ladders to add language that prohibits single-rail ladder use. The proposed amendment will

require employers to use conventional two rail portable ladders.

### **Section 3278. Use of Fixed Ladders.**

Subsection (a) of this section contains general safety requirements for fixed ladders intended to ensure such ladders are used safely by workers. A new subsection (b) is proposed to define what is meant by the term single-rail ladder as used in Section 3278. This amendment will clarify to the employer the meaning of the prohibition on single-rail ladder use contained in existing subsection (a)(4).

### **Section 1675. General.**

Existing Section 1675 requires all portable and fixed ladders used in construction to comply with Section 3276 and Section 3277, respectively. An amendment is proposed to include a reference to Section 3278, in addition to the existing reference to Section 3277, on the use of fixed ladders in Section 1675(c). The proposed amendment will clarify to the employer that the fixed ladder use requirements of Section 3278, which includes a prohibition on the use of single-rail ladders and other important safety requirements, applies to the CSO. In addition, an amendment is proposed that adds a new subsection (d) at the end of Section 1675 stating, "Single-rail ladders shall not be used," which will ensure that workers do not use an inherently unsafe ladder and which will remove any question as to whether Section 1675 is ALAEA the federal construction standards in 29 CFR 1926.1053(b)(19) that prohibits the use of single-rail ladders.

## COST ESTIMATES OF PROPOSED ACTION

### **Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

### **Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

### **Impact on Businesses**

The proposal amends GISO, Sections 3276 and 3278 to clarify to the employer the prohibition on single-rail ladder use and CSO, Section 1675 to prohibit the use of single-rail ladders commensurate with the federal prohibition; thereby, rendering Title 8 ALAEA the federal standard. No cost impacts are anticipated as this revision only remedies an unintended consequence of the recent reorganization of Title 8 portable ladder standards and restores the previous regulatory requirements.

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses,



including the ability of California businesses to compete with businesses in other states.

**Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8: CONSTRUCTION SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 4,  
Article 35  
Section 1905  
**Helicopter Fueling**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The proposed amendment is the result of the Occupational Safety and Health Standards Board (Board) Decision dated August 8, 2011, regarding OSHSB Petition No. 522 submitted by Mr. David Feerst, Director of Safety, Winco, Inc., (Petitioner). In an e-mail received on April 22, 2011, the Petitioner requested the Board amend the Construction Safety Orders (CSO) Section 1905(b) to remove an obsolete provision regarding fueling procedures for helicopters. Specifically, consistent with current Federal Aviation Administration (FAA) recommendations and the National Fire Protection Association (NFPA) prohibition on grounding the aircraft and fueling equipment, the Petitioner requested the Board to delete the grounding requirement before and during aircraft fueling. According to the Petitioner, eliminating the grounding requirement would reduce

static electrical discharges eliminating any chance of a spark caused by a difference in potential.

Board staff notes that Section 1900 of the CSO states that regulations administered by the FAA are not superseded by these orders. An FAA Safety Alert for Operators dated November 23, 2010, states in part that, "Before fueling, the aircraft must be bonded to the fuel source to equalize static electricity between the fuel source and the aircraft. Grounding of the aircraft and/or fuel truck is no longer recommended because it does not prevent sparks at the fuel source, and the grounding cable may not be sufficient to discharge the electrical current." Further, Chapter 5.4.1 of NFPA 407-2007 states in part, "Grounding during aircraft fueling shall not be permitted." Title 8, CSO Section 1905 has not been amended since 1985.

Board staff contacted several area helicopter flying services regarding the practice of grounding and bonding the aircraft and fuel source. The operations contacted indicated that they are not grounding either the aircraft or the fuel source but strictly bonding the aircraft to the fuel supply. Consequently, to ensure Section 1905 is kept up to date in accordance with the latest aircraft fueling and static discharge control methodology, Board staff proposes to amend Section 1905 consistent with the FAA and NFPA.

#### **Section 1905. Fueling.**

Existing Section 1905 describes requirements in preparation for fueling helicopters.

#### **Subsection (b).**

Existing subsection 1905(b) states, "The helicopter and fuel supply shall be securely bonded and grounded before and during fueling operations for static electrical discharge." The proposed amendment revises Section 1905(b) by deleting the words, "...and grounded..." The amendment will provide consistency with FAA and NFPA regulations and reduce static discharge minimizing the potential for fire and explosion which could result in serious employee injury or fatality.

### **COST ESTIMATES OF PROPOSED ACTION**

#### **Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

#### **Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

#### **Impact on Businesses**

The proposal reduces employer requirements by eliminating the need to ground the helicopter and fueling supply during fueling. The Board has made an initial determination that this proposal will not result in a

significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

#### **Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

#### **Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

### **DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

This proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

This proposed regulation does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

#### ASSESSMENT

The adoption of the proposed amendment to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than December 9, 2011. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on December 15, 2011, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and

Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

### TITLE 13. AIR RESOURCES BOARD

#### NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO CALIFORNIA'S SMALL OFF-ROAD ENGINE AND TIER 4 OFF-ROAD COMPRESSION-IGNITION ENGINE REGULATIONS AND TEST PROCEDURES; AND, AMENDMENTS TO THE EXHAUST EMISSION CERTIFICATION TEST FUEL FOR OFF-ROAD SPARK-IGNITION ENGINES, EQUIPMENT, AND VEHICLES.

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to California's small off-road engines (SORE) and tier 4 off-road compression-ignition (CI) engine regulations and test procedures. If adopted, these amendments will primarily serve to further harmonize California's regulations with those of the United States Environmental Protection Agency (U.S. EPA). Also considered for adoption will be amendments to the exhaust certification test fuel requirements for California's off-road, spark-ignition engine categories. This notice summarizes the specific amendments being proposed. The Initial Statement of Reasons (ISOR), or "Staff Report", presents the pro-



posed amendments and information supporting the amendments of the regulations and test procedures in greater detail.

DATE: December 15, 2011

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency  
Air Resources Board  
Byron Sher Auditorium  
1001 I Street  
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 15, 2011, and may continue at 8:30 a.m., on December 16, 2011. This item may not be considered until December 16, 2011. Please consult the agenda for the hearing, which will be available at least 10 days before December 15, 2011, to determine the day on which this item will be considered.

## INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

**Sections Affected:** Proposed amendments to California Code of Regulations, title 13 (13 CCR), sections 2403 and 2407; and, to the following document as incorporated by reference therein: “*California Exhaust Emission Standards and Test Procedures for 2005 and Later Small Off-Road Engines*,” as adopted July 26, 2004, and as last amended February 24, 2010; and, the proposed adoption of the following documents incorporated by reference therein: “*California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1054)*”; and, “*California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1065)*.”

Proposed adoption of amendments to 13 CCR, sections 2421, 2423, 2424, 2425, 2425.1, 2426, and 2427, and, to the following document as incorporated by reference therein: “*California Exhaust Emission Standards and Test Procedures for New 2008 and Later Tier 4 Off-Road Compression-Ignition Engines, Part I-C*,” adopted October 20, 2005; and, to the following documents incorporated by reference therein: “*California Exhaust Emission Standards and Test Procedures for New 2011 and Later Tier 4 Off-Road Compression-Ignition Engines, Part I-D*,” adopted October 20, 2005; and, “*California Exhaust Emission Standards and Test Procedures for New 2011 and Later Tier 4 Off-Road Compression Ignition Engines, Part I-F*,” adopted October 20, 2005; and, proposed adoption of the following document incorporated by reference therein: “*Califor-*

*nia Exhaust Emission Standards and Test Procedures for New 2011 and Later Tier 4 Off-Road Compression Ignition Engines, Part I-E*.”

Proposed adoption of amendments to 13 CCR, sections 2433, 2783, and 2784; and, to the following documents incorporated by reference therein: “*California Exhaust and Evaporative Emission Standards and Test Procedures For New 2010 and Later Off-Road Large Spark-Ignition Engines (2010 and Later Test Procedure 1048)*,” as adopted March 2, 2007, and as last amended November 21, 2008; and, “*California Exhaust and Evaporative Emission Standards and Test Procedures For New 2007 and Later Off-Road Large Spark-Ignition Engines (Test Procedures 1065 and 1068)*,” as adopted March 2, 2007.

Proposed adoption of amendments to 13 CCR, section 2412; and, to the following document incorporated by reference therein: “*California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines*,” as adopted May 26, 1995, and as last amended June 1, 2007.

Proposed adoption of amendments to 13 CCR, section 2447; and, to the following document incorporated by reference therein: “*California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines*,” as adopted October 21, 1999, and as last amended June 5, 2009.

## BACKGROUND

### California’s Off-Road Categories

California’s off-road categories include Small Off-road Engines (SORE, e.g., lawnmowers, chainsaws), large spark-ignition engines (e.g., forklifts), recreational marine engines (e.g., sterndrives, outboards), and off-road recreational vehicles (e.g., motorcycles, all-terrain vehicles). All of these categories use spark-ignition engines that mostly operate on gasoline; however, some SORE and large spark-ignition engines can operate on alternative fuels, such as liquefied petroleum gas or compressed natural gas. The remaining off-road category is the off-road compression-ignition engine category, which uses compression-ignition diesel-cycle engines.

### ARB’s Current SORE Regulations and Test Procedures

In 1990, ARB adopted the initial exhaust emission control regulations for new SORE. Manufacturers were able to comply with the adopted emission standards with engine calibration changes and minor engine modifications. In 2003, ARB adopted more stringent exhaust emission standards based on aftertreatment technology (e.g., catalytic converters). These emission standards were fully implemented in 2008.



### **ARB's Current Off-Road CI Engine Regulations and Test Procedures**

The off-road CI engine emission standards are unique in that they vary according to an engine's power rating, and have been implemented in stages rather than all at once in a single year. There are currently four tiers of increasingly stringent emission standards required for off-road CI engines in California. Tiers 1 and 2 were adopted by the Board in 1992. Similarly to the SORE category, CI engine manufacturers were able to comply with these early emission standards with engine calibration changes and minor engine modifications. More stringent tier 3 and tier 4 emission standards were later adopted in 2000 and 2004, respectively. The tier 4 emission standards, in particular, were based on aftertreatment technology (e.g., diesel particulate filters and selective catalytic reduction). The tier 4 emission standards are due to be fully implemented in 2015.

### **U.S. EPA's Current Regulations and Test Procedures**

In 2001, U.S. EPA adopted title 40, Code of Federal Regulations (40 CFR), Part 1065, as a "united" test procedure for both "nonroad" engines and equipment and on-highway heavy-duty CI engines. Part 1065 is currently the technical part of U.S. EPA's regulations that promulgates emissions measurement methodologies, criteria for selecting analytical instrumentation, calibration procedures, and specifications for all on-road CI engine and all nonroad engine categories. Since its initial adoption, Part 1065 has been amended repeatedly to both improve and expand its applicability for the nonroad engine categories.

Since 2005, U.S. EPA has adopted several amendments to its nonroad CI engine regulations contained in Part 1065, as well as to other related parts in 40 CFR. For example, Part 1039 has also been amended. Part 1039 contains standard-setting provisions for nonroad CI engines, and also contains provisions regarding certification procedures, labeling, credit generation, emissions averaging, equipment flexibility options, and hardship relief.

In 2008, U.S. EPA adopted exhaust and evaporative emission standards for small nonroad engines, which coincided with some of ARB's SORE emission standards that were adopted in 2003. At the same time, U.S. EPA further amended several parts of the CFR related to nonroad engines.

### **Manufacturers' Request for Alignment**

In response to these changes to the federal provisions, and since ARB's regulations reference the test procedures contained in the CFR, both SORE and off-road CI engine manufacturers have requested that ARB align with the current versions of U.S. EPA's applicable regulations and test procedures. To this end, ARB staff has

worked with manufacturers to enhance the alignment of ARB's SORE and tier 4 Off-Road CI engine standards and test procedures with the current federal provisions without affecting the stringency of California's current emissions standards.

### **Off-Road, Spark-Ignition Exhaust Certification Test Fuel Requirements**

Most of the off-road categories' gasoline-fueled spark-ignition engines are currently required to conduct exhaust emission certification tests using Phase 2 California Reformulated Gasoline, which is oxygenated with methyl-tertiary-butyl-ether or "MTBE". Other test fuels are allowed, such as federal tier II or Indolene, in order to provide manufacturers with some flexibility when testing as long as the stringency of the emission standards and test procedures is maintained.

In a separate rulemaking, scheduled for January 2012, staff will propose for adoption a ten-percent ethanol-blend (E10) gasoline certification test fuel specification for on-road motor vehicles, as part of California's Low-Emission Vehicle (LEV III) program. This provision would re-establish the consistency between the certification test fuel and commercially available gasoline in California. Staff believes that now is also an appropriate time to propose using the same E10 fuel for exhaust emission certification testing of off-road, gasoline-fueled engines. This is discussed in further detail below.

### **PROPOSED SORE AND TIER 4 OFF-ROAD CI ENGINE AMENDMENTS**

Staff proposes to amend ARB's SORE test procedures in order to more completely harmonize with the applicable federal test procedures. Staff proposes to also amend the tier 4 Off-Road Engine test procedures in order to establish a more complete harmonization with the applicable federal test procedures, as existed initially in 2005. In addition, staff proposes to amend the current tier 4 Off-Road Engine regulations in order to better harmonize with federal amendments adopted since 2005, including a recently adopted alternative oxides of nitrogen plus non-methane hydrocarbon (NO<sub>x</sub>+NMHC) emission standard. These amendments will reduce manufacturers' certification-related testing and compliance burdens without affecting the effectiveness of the applicable test procedures, and in the case of the tier 4 Off-Road Engines, without affecting the associated emission standards.

### **Proposed SORE Amendments**

Staff proposes that 40 CFR, Part 1054 (emission standard-setting provisions) and Part 1065, be adopted by reference and incorporation, with applicable modifications, into the SORE test procedures, effective for the 2013 and later model years. The current test procedures

would be retired after the 2012 model year. Staff also proposes adopting the entire Part 1054, but with modifications that reference and include certain California-specific sections from 13 CCR in place of the similar federal provisions because California already has its own regulatory versions of these federal provisions (i.e., emission standards and other provisions). Further, because most of the general compliance provisions in Part 1068 are either already contained in 13 CCR or are not applicable to California's situation, staff does not find it necessary to include Part 1068 in the alignment proposal. Lastly, staff proposes adopting Part 1065, with the following modifications/additions.

- *Allowance for Supplemental Engine Cooling*

The federal Part 1065 includes section 1065.122, which allows supplemental cooling (i.e., auxiliary cooling fans) of an engine for simulating in-use conditions when conducting exhaust emission testing. However, staff believes that the current California allowance, as stated in sections 90.118(f) and 90.307 of the current test procedures, assures testing is more representative of in-use conditions and prevents use of excess cooling to artificially lower test emissions.

- *Measurement of Particulate Matter Emissions from Two-Stroke Engines*

California's regulations currently have a PM emission standard in place for two-stroke engines. The regulations allow manufacturers the option of demonstrating compliance with this standard using the measured hydrocarbon (HC) emissions as a surrogate for determining PM emission levels. Staff believes that continuing this option is reasonable, and doing so does not affect the stringency of the current PM emission standards. Note that the corresponding federal regulations do not contain a PM emission standard for this source category.

- *Exhaust Emission Certification Test Fuel Requirements*

The federal Part 1065 provides engine test fuel and lubricant information in subpart H. While staff will propose the adoption of this subpart, certain changes are necessary in order to address specific California requirements. In particular, Part 1065 needs to be modified to include the test fuels currently allowed to be used by California for SORE exhaust emission certifications. Further, because staff will also propose new E10 certification test fuel requirements, Part 1065 needs to be modified to allow the use of an E10 test fuel as an option for conducting exhaust emission certification for the 2013 through 2018 model years, with mandatory use beginning with the 2019 model year.

### **Proposed Tier 4 Off-Road CI Engine Amendments**

Staff proposes that the current California tier 4 off-road CI engine test procedures be renamed and retired

after the 2012 model year and replaced by new ones that are based on the current test procedures with modifications that incorporate the California-appropriate revisions for those revisions made by U.S. EPA to Parts 1039, 1065, and 1068 since 2005. The most notable revisions would include the following:

- *Tier 4 Alternative Oxides of Nitrogen plus Non-Methane Hydrocarbon (NO<sub>x</sub>+NMHC) Standards and FEL Caps*

Staff proposes to align with federal alternate NO<sub>x</sub>+NMHC standards and the corresponding Family Emission Limits (FEL caps) for tier 4 engines ranging from 56 kW through 560 kW that are included in Part 1039. This would restore the original intent of the tier 4 regulations of allowing manufacturers to continue certifying a small number of tier 3 engines using emission credits as the tier 4 standards are phased in, but which is inadvertently hindered because the tier 4 averaging programs do not allow manufacturers to show compliance with the existing 0.19 g/kW-hr NMHC standard using credits.

- *Alternative NO<sub>x</sub> FEL Cap Applicability*

Staff proposes to align with a federal clarification on the start dates for the Alternative 20-percent NO<sub>x</sub> FEL caps in order to correct an inconsistency found within the regulations. The Alternative NO<sub>x</sub> FEL caps should extend over a four-year period, upon commencement of the tier 4 emission standards. A table within the regulations erroneously indicates that these caps would be in place over only a two-year period.

- *Stockpiling and Definitions*

Staff proposes to align with the federal provisions that would prohibit over-production (stockpiling) of engines prior to a year in which a change in emission standards occurs. Staff also proposes revising of numerous test procedure and administrative related definitions to align with the corresponding federal definitions.

While most of the amendments to the tier 4 test procedures would harmonize ARB's and U.S. EPA's requirements, staff proposes some amendments that would be unique to California. Most notable of these are the following:

- *Emission Control Warranty Statement*

Staff proposes to amend the emission control warranty statement regulations to clarify the requirement for manufacturers to include a copy of the California Emission Control Warranty Statement with all off-road CI engines.

- *Enhanced New and Replacement Engine Labeling Requirements*

Staff proposes to include a requirement that additional information, beyond that required by U.S. EPA, be included on off-road CI engine emissions control labels

to aid in the implementation, compliance, and enforcement of ARB's various off-road diesel in-use regulations, such as transport refrigeration units, off-road fleets, and ports. These California-specific programs require in-use fleets to comply with an averaged target emissions level based on the model year, the certification tier, and/or the power of the engines/equipment in the fleet. Fleet owners are responsible for calculating their fleet averages and target emission levels per the provisions of the applicable in-use regulation. However, current labeling provisions for replacement engines do not require this particular information. This makes in-use registration by fleet owners more complicated and error prone, and hinders ARB's effective enforcement efforts in the field. Accordingly, staff proposes that, in addition to current labeling requirements, all labels for new and replacement off-road CI engines include information about the engine power, reference family name, and date of manufacture, beginning January 1, 2013.

- *Other Differences Between California and Federal Requirements*

Various other miscellaneous differences would remain. These are discussed further under "COMPARABLE FEDERAL REGULATIONS," below, and in much greater detail in the ISOR.

#### **Proposed Exhaust Emission Certification Test Fuel Amendment**

Staff proposes to revise the current exhaust emission certification test fuel provisions for off-road, gasoline-fueled engines to require the use of E10 gasoline. Specifications and the use of E10 gasoline is scheduled to be proposed in January 2012 in a separate rulemaking for on-road motor vehicle certification emission testing under California's LEV III program. For off-road, the new E10 test fuel would be required for exhaust emission certification testing of new gasoline-fueled, large spark-ignition engines, SORE, off-road recreational vehicles, and recreational marine engine categories. Staff will propose that the use of E10 be made an option for exhaust emission testing for the 2013 through 2018 model years. Use of the E10 test fuel would become mandatory for exhaust emission testing beginning with the 2019 model year, at which point only the E10 test fuel would be allowed for certification testing purposes.

#### **COMPARABLE FEDERAL REGULATIONS**

In 2008, U.S. EPA adopted changes to several equipment categories including regulations for small non-road engines which aligned the national emission standards with the current California exhaust emission standards. The new federal exhaust emission standards are to be phased-in with the 2011 or 2012 model years, de-

pending on engine displacement. Along with the adoption of these emission standards, U.S. EPA required emission tests to be performed based on 40 CFR, Parts 1054 and CFR 1065. As previously noted, the proposed amendments would align California's SORE exhaust emission test procedures with current federal procedures with certain modifications to ensure expected future emission benefits in California. The proposed amendments would not affect any of California's existing SORE exhaust emission standards.

On June 29, 2004, U.S. EPA promulgated the non-road tier 4 regulations in 40 CFR, Parts 1039, 1065, and 1068 for new off-road CI engines. Since 2005, U.S. EPA has adopted several amendments to its regulations contained in these parts<sup>1</sup>. The staff's proposal generally harmonizes ARB's regulation with the federal rule, while preserving specific features needed by California.

Specific features of staff's proposal differ from the current U.S. EPA regulation in the following areas: replacement engine labeling requirements, preliminary approvals, untracked replacement engine provisions, partially completed engine requirements, and the definition of an engine. Existing differences from the federal tier 4 2004 rulemaking that have been retained include: flexibility engine labeling provisions, flexibility engine Executive Orders, rebuild labeling prohibition and supplemental label requirements, extension of replacement engine reporting requirements, and in-use compliance/recall program provisions.

The differences that remain between the two programs are justified by the benefit to human health, public welfare, and the environment. In addition, the differences from the federal program are authorized by Health and Safety Code sections 43013 and 43018.

#### **AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS**

ARB staff has prepared a Staff Report, for the proposed regulatory actions, which describes the basis of the proposed actions, and includes a summary of the economic and environmental impacts of the proposed amendments. The Staff Report is entitled: "Proposed Amendments to California's Small Off-Road Engine and Tier 4 Off-Road Compression-Ignition Engine Regulations and Test Procedures; and, Amendments to the Exhaust Emission Certification Test Fuel for Off-Road Spark-Ignition Engines, Equipment, and Vehicles."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format

<sup>1</sup> Ref.: 72 FR 72955 (Dec. 26, 2007); 73 FR 59521 (Oct. 8, 2008); 74 FR 84270 (Feb. 24, 2009); 74 FR 56260 (October 31, 2009); and, 76 FR 37977 (June 28, 2011).



to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on October 26, 2011.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact person in this notice, or may be accessed on the ARB's website listed below.

Inquiries concerning the substance of the proposed amendments to the SORE regulation may be directed to the designated agency contact persons, Mr. Ronald Haste, Manager of the Off-Road Control Section, at (626) 575-6676, or Ms. Yun Hui Park, Air Resources Engineer, at (626) 450-6263.

Inquiries concerning the substance of the proposed amendments to the tier 4 off-road CI engine regulations may be directed to the designated agency contact persons, Mr. Ronald Haste, Manager of the Off-Road Control Section, at (626) 575-6676, or Mr. Jeff Lowry, Staff Air Pollution Specialist, at (626) 575-6841.

Inquiries concerning the substance of the proposed amendments to the off-road engine categories' exhaust emission certification test fuel amendments may be directed to the designated agency contact persons, Mr. Ronald Haste, Manager of the Off-Road Control Section, at (626) 575-6676, or Mr. Andrew Spencer, Air Pollution Specialist, at (626) 575-6675.

Further, the agency representative and designated back-up contact persons, to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, (916) 322-4011, or Ms. Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2011/soreci2011/soreci2011.htm>

#### COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed amendments to the regulations are presented below.

#### 1. Costs to State Government and Local Agencies

Pursuant to Government Code section 11346.5(a)(5), the Executive Officer has determined that the proposed regulatory action would not create any costs to or mandates on any local agency or school district that are reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500).

Pursuant to Government Code section 11346.5(a)(6), the Executive Officer has determined, based on estimates prepared in accordance with instruction adopted by the Department of Finance, that the amendments to the SORE, tier 4 off-road CI engine, large spark-ignition, recreational marine, and off-road recreational regulations would not create additional costs to any State agency or to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), create other nondiscretionary costs on local agencies, and affect costs or savings in federal funding to the State.

#### 2. Effect on Businesses and Private Persons

The determinations of the Board's Executive Officer, pursuant to Government Code section 11346.5(a)(9), concerning the costs or savings necessarily incurred by representative private persons and businesses in reasonable compliance with the proposed amendments to the regulations are presented below.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The proposed amendments to the SORE and tier 4 off-road CI engine were developed in response to manufacturers' requests that ARB align the regulations and test procedures with the current federal versions. Alignment will primarily allow manufacturers to avoid extra compliance burdens associated with either performing duplicative test procedures or creating separate California and 49-state engines. Accordingly, ARB staff has worked with manufacturers to enhance the alignment of ARB's SORE and tier 4 Off-Road CI engine regulations and test procedures, as applicable, without affecting the stringency of California's current emissions standards and test procedures. The proposal would result in zero additional cost to certifying manufacturers and independent emission testing facilities. In fact, the majority of amendments being proposed for adoption into the California regulations are intended to remove obstacles to compliance.

The proposed amendments to the SORE, large spark-ignition, recreational marine, and off-road recreational



vehicle regulations and test procedures will align the exhaust emission certification test fuel for these off-road categories with the same certification test fuel that ARB will propose, in January 2012, for use by on-road motor vehicles. Staff proposes that mandatory use of this new fuel is not required until the 2019 model year. The new certification test fuel is expected to cost the same as the current one; therefore, the proposed amendment does not impose any additional cost on the manufacturers and independent testing facilities.

This proposed action may affect small business within the meaning of Title 1, California Code of Regulations, Section 4.

### 3. Effect on State Economy

The Executive Officer has made an initial determination that the proposed amendments to the SORE, tier 4 off-road CI engine, large spark-ignition, recreational marine, and off-road recreational vehicle regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

### 4. Consideration of Alternatives

Before taking final action on the proposed regulatory actions, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. Alternatives that staff considered are discussed in the Staff Report.

## ENVIRONMENTAL ANALYSIS

In accordance with ARB's certified regulatory program, California Code of Regulations, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. The environmental analysis of the proposed regulatory action can be found in Chapter V of the ISOR.

## SUBMITTAL OF COMMENTS

Interested members of the public may present comments relating to the proposed amendments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on October 31, 2011. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after October 31, 2011 and received no later than 12:00 noon on December 14, 2011, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that the webpage provided above for electronic submittal is for comments on the following off-road-related regulations:

- SORE
- Tier 4 off-road CI engines
- Off-road spark-ignition engine exhaust emission certification test fuel

To ensure that all comments are properly considered and responded to, please identify in the subject heading of each comment letter the regulation(s) for which comments are being submitted.

**You can sign up online in advance to speak at the Board meeting** when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Government Code §6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

## STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code sections 39600, 39601, 43013, 43018, 43101, 43102, 43104, 43105 and 43107; and, in Vehicle Code sections 38020 and 38390. This action is proposed to implement, interpret, and make specific Health and Safety Code sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43107, 43150–43154, 43205.5, and 43210–43212; and, Vehicle Code sections 38020 and 38390.

## HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322–2990.

At the Board meeting, the Board may direct staff to develop additional modifications to the regulation to be considered at a later Board hearing. If directed to do so, ARB will prepare a separate notice of proposed rulemaking that will be published not less than 45 days before the scheduled hearing date.

## SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; or
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322–5594 or by facsimile at (916) 322–3928 as soon as possible, but no later than 10 business days be-

fore the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alternativo u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322–5594 o envíe un fax a (916) 322–3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

## TITLE 14. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

### NOTICE OF PROPOSED RULEMAKING

**Title 14:** Natural Resources  
**Division 7:** Department of Resources, Recycling and Recovery  
**Chapter 9.4:** Mandatory Commercial Recycling  
**Sections:** 18835–18839

### PROPOSED REGULATORY ACTION

The California Department of Resources Recycling and Recovery (CalRecycle) proposes to amend the California Code of Regulations, Title 14, Division 7, Chapter 9.4 commencing with §18835. The proposed regulations are intended to clarify the procedures for implementing Part 3 of Division 30 of the Public Resources Code §42649 through §42649.7 regarding Recycling of Commercial Solid Waste [Chapter 12.8, Statutes of 2011, Chesbro, AB 341] (Mandatory Commercial Recycling Act).

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to CalRecycle. **The written comment period for this rulemaking closes at 5:00 p.m. on December 12, 2011.** CalRecycle will also accept written comments during the public hearing described

below. Please submit your written comments to either of the following CalRecycle staff:

Marshall Graham  
Materials Management and Local Assistance  
Division  
California Department of Resources Recycling  
and Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025  
Phone: (916) 341-6270  
E-mail: [climatechange@calrecycle.ca.gov](mailto:climatechange@calrecycle.ca.gov)

Teri Wion  
Materials Management and Local Assistance  
Division  
California Department of Resources Recycling  
and Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025  
Phone: (916) 341-6374  
E-mail: [climatechange@calrecycle.ca.gov](mailto:climatechange@calrecycle.ca.gov)

#### PUBLIC HEARING

A public hearing to receive public comments has been scheduled for **December 13, 2011**. The hearing will be held at the:

Joe Serna Jr. Cal EPA Building  
Byron Sher Auditorium  
1001 I Street  
Sacramento, CA 95814

**The hearing will be held at 1:30 p.m. on December 13, 2011**, and will conclude after all testimony is given. CalRecycle requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheel chair accessible. If you have any questions, please contact [climatechange@calrecycle.ca.gov](mailto:climatechange@calrecycle.ca.gov).

#### INFORMATIVE DIGEST

In March 2009, CalRecycle began an informal rule-making process to develop the proposed regulations, including conducting eight informal stakeholder workshops in collaboration with the Air Resources Board (ARB). Throughout this process CalRecycle and ARB staff met with representatives of several affected stakeholder groups in an attempt to reach consensus on outstanding issues, including:

- Definition of business
- Thresholds (e.g. multi-family)
- Transformation

- Mixed waste processing
- Rural jurisdictions and “good faith effort” evaluation
- Franchise agreements and rights of businesses

These proposed regulations explain CalRecycle’s responsibilities for oversight and implementation of the Mandatory Commercial Recycling Act, as well as the responsibilities of affected businesses and jurisdictions. This rulemaking provides clarity to the new law and contains sections on the following topics: Purpose (§18835); Definitions (§18836); Mandatory recycling of commercial solid waste by businesses (§18837); Implementation of commercial recycling programs by jurisdictions (§18838); and CalRecycle Review (§18839).

More specifically, the proposed regulations:

1. Define the following terms: “Business”, “Commercial solid waste”, “Franchise”, “Hauler”, “Mixed Waste Processing”, “Self hauler” or “Self hauling”, and “Source separating” or “Source separation”.
2. Require businesses and public entities that generate four cubic yards or more of trash per week, and multifamily complexes of five or more residential units, to recycle the solid waste that they generate by selecting one, or any of combination, of the following:
  - a) Source separating, (i.e., removing recyclable and/or compostable materials from the solid waste that they are discarding and separating them into separate containers) and either: self hauling, subscribing to a hauler, and/or otherwise arranging for the pickup of these materials to divert them from disposal;
  - b) Subscribing to a service that includes mixed waste processing (i.e. recyclables and/or compostable materials and trash) and yielding results comparable to source separation.
3. Allow property owners of affected commercial and multifamily complexes the choice to require tenants to source separate their recyclable materials and require tenants to source separate these materials if required by the property owners.
4. Make each affected business responsible for ensuring and demonstrating its compliance with the proposed regulations and with any requirements by the local jurisdiction.
5. Require each local jurisdiction to implement a commercial recycling program by July 1, 2012 that consists of providing education and outreach and monitoring to businesses subject to the Mandatory Commercial Recycling Act, to inform them of their obligation to recycle.

6. Provide jurisdictions the flexibility to conduct education and outreach that fits their existing programs, resources and infrastructure and to adopt a more comprehensive or stringent program than required by the proposed regulations.
7. Establish general criteria for the jurisdictions' obligation to monitor and assess the participation of affected businesses and multifamily complexes in recycling services, and notify affected businesses that are not in compliance with these regulations.
8. Identify commercial recycling program options that may be used by local jurisdictions to implement the regulations including: implementing a mandatory commercial recycling policy or ordinance, requiring mandatory commercial recycling through the jurisdictions' franchise contract or agreement, and/or requiring that all commercial recycling materials go through a mixed waste processing system that yields diversion results comparable to source separation.
9. Do not modify or abrogate existing franchises, contracts, licenses and permits regarding the collection of solid waste or the transformation provisions of PRC §41783.
10. Require jurisdictions to include the addition or expansion of a commercial recycling program in its Annual Report required by PRC §41821.
11. Make CalRecycle responsible for evaluating and enforcing the performance of jurisdictions in implementing their commercial recycling outreach, education and monitoring programs.

#### **POLICY STATEMENT OVERVIEW**

To implement the Mandatory Commercial Recycling Act, CalRecycle has responsibility to evaluate each jurisdiction's implementation of its responsibilities to provide education, outreach to and monitoring of affected businesses concerning commercial recycling opportunities available within the jurisdiction. This evaluation is conducted as part of CalRecycle's existing review process of the jurisdictions' source recycling and recycling and household hazardous waste elements pursuant to 14 California Code of Regulations (CCR) and PRC §41825.

#### **PLAIN ENGLISH REQUIREMENTS**

CalRecycle staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and

11346.2(a)(1). These proposed regulations are considered non-technical and are written to be easily understood by those parties that will use them.

#### **AUTHORITY AND REFERENCE**

The California Integrated Waste Management Act (Act), Part 3 of Division 30 of the Public Resources Code (PRC) §40000 et seq., gives CalRecycle authority to provide for the protection of public health, safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC §40502 requires CalRecycle to adopt rules and regulations to implement the Act. These proposed regulations implement, interpret and make specific the statutory provisions regarding the Mandatory Commercial Recycling Act (PRC §42649 through §42649.7). The following is a list of references cited in these proposed regulations: PRC Sections: 41780, 41783, 41800, 41821, 41825, 42649 through 42649.7, and CCR Title 14 §18772 and §18809.4.

#### **FEDERAL LAW OR REGULATIONS MANDATE**

Federal law or regulations do not contain comparable requirements.

#### **MANDATE ON STATE AGENCIES, LOCAL AGENCIES, OR SCHOOL DISTRICTS**

CalRecycle has determined that the proposed regulations do not impose: 1) a mandate on local agencies or school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code §§17500 through 17630; 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the State.

#### **EFFECT ON HOUSING COSTS**

CalRecycle has made a determination that the proposed regulations will not have a significant effect on housing costs.

#### **EFFECT ON BUSINESSES**

CalRecycle has made an initial determination that, although the proposed regulations could affect approximately 470,000 businesses in California, they would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed regulations clarify existing law and impose no new requirements that would



result in adverse cost impacts. The types of businesses affected include specified commercial or public entities and multi-family residential dwellings.

#### EFFECT ON SMALL BUSINESSES

CalRecycle has made an initial determination that, although the proposed regulations could affect approximately 250,000 small businesses, they will not have a significant statewide adverse economic impact, including the ability of California businesses to compete with businesses in other states because the proposed regulations clarify existing law and impose no new requirements that would result in adverse cost impacts.

#### EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

No new businesses are expected to be created and no existing businesses eliminated as a result of this regulation package. The purpose of these regulations is to clarify the recently passed Mandatory Commercial Recycling Act and establish administrative procedures to efficiently and effectively implement CalRecycle's responsibilities under the new law.

#### COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CalRecycle is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations.

#### CONSIDERATION OF ALTERNATIVES

CalRecycle must determine that no reasonable alternative considered by CalRecycle or that has otherwise been identified and brought to the attention of CalRecycle would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. CalRecycle invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### CONTACT PERSONS

Marshall Graham  
[climatechange@calrecycle.ca.gov](mailto:climatechange@calrecycle.ca.gov)

Teri Wion  
[climatechange@calrecycle.ca.gov](mailto:climatechange@calrecycle.ca.gov)

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CalRecycle will have the entire rulemaking file, and all information that provides the basis for the proposed regulations, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the text of the proposed regulations, and the initial statement of reasons. Copies may be obtained by contacting Marshall Graham or Teri Wion at the address or phone numbers listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access CalRecycle's Internet webpage at <http://www.calrecycle.ca.gov/Climate/Recycling/default.htm>. The Final Statement of Reasons will be also available at the above listed Internet address or you may call the contact persons named above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

CalRecycle may adopt the proposed regulations substantially as described in this notice. If CalRecycle makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text — with changes clearly indicated — available to the public for at least 15 days before CalRecycle adopts the regulations as revised. Requests for the modified text should be made to the contact persons named above. CalRecycle will transmit any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; and all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. CalRecycle will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### TITLE 14. FISH AND GAME COMMISSION

#### Notice of Proposed Changes in Regulations

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 210, 220, 7090 and 8500 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 210, 220, 7090, 7850, 7857, 8140, 8250.5, 8254, 8284, 8500, 8603, 9000, 9001, 9010 and 9011, of said Code, proposes to amend Sections 29.17 and 127, Title 14, California Code of Regulations, relating to sport fishing regulations.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under existing law, Kellet's whelk, *Kelletia kelletii*, may be taken for commercial purposes by hand collecting while diving 1,000 feet beyond the low tide mark of any natural or constructed shoreline (FGC Section 8140, Title 14, CCR §123) and incidentally in lobster and rock crab traps (FGC Sections 8250.5 and 8284). There are no size limits, seasons or catch quotas when fishing for Kellet's whelk by diving or trapping. There is a recreational bag limit of 35 whelk per day, the standard recreational bag limit for species for which there is not a bag limit otherwise established and whelks cannot be taken in any tidepool or the areas between the high tide mark and 1,000 feet seaward and lateral to the low tide mark (Title 14, CCR §29.05).

California Fish and Game Code Section 7090 requires the Commission, based upon the advice and recommendations of the Department, to encourage, manage, and regulate emerging fisheries. Consistent with the policies and criteria outlined in FGC §7090 and the Commission's Policy on Emerging Fisheries, the Department recommended the Commission designate the fishery for Kellet's whelk, as an emerging fishery. On April 7, 2011, based on the advice and input from the Department, a recommendation the Commission's Marine Resources Committee and public testimony the Commission designated the fishery for Kellet's whelk as an emerging fishery. The proposed regulations are designed to manage take in the fishery according to the guidelines set out by the California Marine Life Management Act.

The proposed regulations would manage take in the fishery through three possible mechanisms that can be implemented independently or concurrently: a season where take is prohibited; a total allowable catch (TAC); and a restriction on the method of take.

### Option 1: Season Where Take Is Prohibited

The proposed regulations would create a seasonal closure from [March 1–May 1] through [May 31–July 31] that would prohibit the commercial and recreational take of Kellet's whelk during that time period.

### Option 2: Total Allowable Catch

The proposed regulations would create a total allowable catch (TAC) to cap the commercial landings of Kellet's whelk from the period from April 1 through March 31 of the following year. The TAC is proposed to be set at [86,000 to 173,000 pounds] which is based most conservatively on 50% of the most recent five year average landings and least conservatively on 100% of the most recent five year average landings.

When the TAC is met, or expected to be met based on anticipated landings, the fishery will be closed. The De-

partment shall give not less than ten days' notice of the fishery closure to all holders of a current and valid lobster operator permit or southern rock crab trap permit as well as any other individual who has landed Kellet's whelk within the previous five years via a notification letter, and to the public and Commission via a news release.

### Option 3: Prohibit Commercial Take of Kellet's Whelk by Diving

The proposed regulations would prohibit the commercial taking of Kellet's whelk by diving. Unlike the take of whelk incidentally in lobster and rock crab traps, there are no limits on the number of individuals who can take Kellet's whelk by diving. Prohibiting diving for Kellet's whelk would help prevent the unrestricted growth of individuals participating in the fishery.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Veteran's Memorial Building, 112 West Cabrillo Blvd., Santa Barbara, California, on Thursday, November 17, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Hubbs Sea World Research Institute, Shedd Auditorium, 2595 Ingraham Street, San Diego, California, on Thursday, December 15, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before December 12, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 12, 2011. All comments must be received no later than December 15, 2011, at the hearing in San Diego, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Jon Snellstrom at the preceding address or phone number.

**Dr. Craig Shuman, Fish and Game Commission, (310) 869-6574, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, in-

cluding the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

##### **Option 1: Season Where Take is Prohibited**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Implementation of a season where take is prohibited would allow individuals to continue to catch and sell Kellet's whelk during other parts of the year. As the majority of Kellet's whelk are caught incidentally in lobster and crab traps, this species does not make up the primary part of any individual's income. Any revenue lost during the closed season could be regained by additional effort during the open season. In addition, the implementation of a closed season may result in a price premium at certain times of the year during

the open season, providing a possible positive economic impact. Finally, any short-term negative economic impacts are expected to be offset by the anticipated positive long-term economic returns that will result from a sustainable fishery.

##### **Option 2: Total Allowable Catch**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

A reduction in total annual catch would have a corresponding reduction in revenue. However, relative to other fisheries, the volume and value of Kellet's whelk are extremely low so the total estimated statewide economic impact is expected to be insignificant. In addition, any short-term negative economic impacts are expected to be offset by the anticipated positive long-term economic returns that will result from a sustainable fishery.

##### **Option 3: Prohibit Commercial Take of Kellet's Whelk by Diving**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

In 2010, diving accounted for less than 1% of the total catch of Kellet's whelk, with a corresponding ex-vessel value of approximately \$1000. There are a very small number of individuals engaged in the dive fishery for Kellet's whelk (seven in 2010) so it is expected that a prohibition of diving would not have a significant economic impact.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:  
None.
- (c) Cost Impacts on a Representative Private Person or Business:  
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:  
None.
- (e) Nondiscretionary Costs/Savings to Local Agencies:  
None.



- (f) Programs mandated on Local Agencies or School Districts:  
None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:  
None.
- (h) Effect on Housing Costs:  
None.

**Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11348.2(a)(1).

**Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**TITLE 16. BOARD OF REGISTERED NURSING**

**NOTICE IS HEREBY GIVEN** that the Board of Registered Nursing (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Board of Registered Nursing  
1747 North Market Blvd., Suite 150  
Sacramento, CA 95834  
December 12, 2011  
10:00 a.m. to 12:00 p.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on December 12, 2011, or must be presented at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral

testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by Sections 2715 of the Business and Professions Code, and to implement, interpret or make specific Sections 144 and 901 of said Code, the Board is considering changes to Division 14 of Title 16 of the California Code of Regulations as described in this Notice.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Adopt Article 10, "Sponsored Free Health Care Events — Requirements for Exemption."

This regulatory proposal implements, interprets, and makes specific Business and Professions Code Section 901, which was enacted by Assembly Bill 2699 (Bass, Chapter 270, Statutes of 2010). The statute provides an exemption from licensure regulation requirements for health care practitioners, including registered nurses, who are licensed in another state or states and who provide nursing care, on a voluntary basis, at sponsored health events to uninsured or underinsured persons. The statute became effective January 1, 2011, and will remain in effect until January 1, 2014, unless reauthorized.

The proposal includes the sponsoring entity registration and record keeping requirements; applicant request for authorization requirements; termination of authorization to practice criteria and process, and appeal process; and disclosure requirements. The sponsoring entity Registration of Sponsoring Entity Under Business & Professions Code Section 901 form (901-A(09/2011)) and applicant Request for Authorization to Practice Without a License at a Registered Free Health Care Event (901-B(09/2011)) are incorporated by reference.

**FISCAL IMPACT ESTIMATES**

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None.

**Nondiscretionary Costs/Savings to Local Agencies:** None.

**Local Mandate:** None.

**Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:** None.

**Business Impact:**

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**Impact on Jobs/New Businesses:**

The Board has determined that this regulatory proposal will not have a significant impact on the creation



of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**Cost Impact on Representative Private Person or Business:**

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known is the \$50.00 applicant registration fee, and fingerprinting cost of \$56 to \$96. The fingerprint cost includes a Department of Justice fee of \$51 and print "rolling" fee of \$5 to \$45.

**Effect on Housing Costs:** None.

**EFFECT ON SMALL BUSINESS**

The Board has determined that the proposed regulations would not affect small businesses; instead, the impact of the rulemaking is to offer free health care to uninsured or under-insured Californians by volunteer registered nurses coming from out-of-state.

**CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has made available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and any documents incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, [www.rn.ca.gov](http://www.rn.ca.gov).

**AVAILABILITY AND LOCATION OF  
THE FINAL STATEMENT OF REASONS  
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which

is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

**CONTACT PERSON**

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Alcidia Valim  
Address: 1747 North Market Blvd.,  
Suite 150  
Sacramento, CA 95834  
Telephone No.: 916-574-7684  
Fax No.: 916-574-7700  
E-Mail Address: [alcidia.valim@dca.ca.gov](mailto:alcidia.valim@dca.ca.gov)

The backup contact person is:

Name: Geri Nibbs  
Address: 1747 North Market Blvd.,  
Suite 150  
Sacramento, CA 95834  
Telephone No.: 916-574-7682  
Fax No.: 916-574-7700  
E-Mail Address: [geri.nibbs@dca.ca.gov](mailto:geri.nibbs@dca.ca.gov)

**Website Access:** Materials regarding this proposal can be found at [www.rn.ca.gov](http://www.rn.ca.gov).

**TITLE 17. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO  
CONSIDER AMENDMENTS TO THE LOW  
CARBON FUEL STANDARD REGULATION**

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the Low Carbon Fuel Standard (LCFS) regulation. The LCFS is a greenhouse gas (GHG) control measure adopted pursuant to AB 32 (California Warming Solutions Act of 2006). It is intended to reduce, on a full-fuel lifecycle basis, the carbon intensity of transportation fuels used in California.

DATE: December 15, 2011

TIME: 9:00 a.m.

PLACE: California Environmental Protection  
Agency  
Air Resources Board  
Byron Sher Auditorium  
1001 I Street  
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 15, 2011, and may continue at 8:30 a.m., on December 16, 2011. This item may not be considered until December 16, 2011. Please consult the agenda for the hearing, which will be available at least 10 days before December 15, 2011, to determine the day on which this item will be considered.

## INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

**Sections Affected:** Proposed amendments to California Code of Regulations (CCR), title 17, sections 95480.1, 95481, 95482, 95484, 95485, 95486, and 95488. Proposed adoption of new sections 95480.2, 95480.3, 95480.4, and 95480.5, title 17, CCR.

The following documents are incorporated in the regulation by reference: (1) *Credit Transfer Form* (October 28, 2011), (2) *Credit Allocation Form* (October 28, 2011), (3) Supplement (October 28, 2011) to “Stationary Source Division, Air Resources Board (February 27, 2009, v.2.1), Detailed California–Modified GREET Pathway for California Reformulated Gasoline Blendstock for Oxygenate Blending (CARBOB) from Average Crude Refined in California;” (4) Supplement (October 28, 2011) to “Stationary Source Division, Air Resources Board (February 28, 2009, v.2.1), Detailed California–Modified GREET Pathway for Ultra Low Sulfur Diesel (ULSD) from Average Crude Refined in California;” and (5) Supplement (October 28, 2011) to “Stationary Source Division, Air Resources Board (February 27, 2009, v.2.1), Detailed California–Modified GREET Pathway for California Reformulated Gasoline (CaRFG);” all of which are available at the ARB website noted below for this rulemaking.

### Background:

The Board approved the LCFS regulation for adoption on April 23, 2009. Background information for the LCFS regulation was provided in the original notice of proposed rulemaking for the April 2009 Board hearing.<sup>1</sup> The regulation entered into full effect on April 15, 2010. Implementation of the carbon intensity (CI) reduction requirements and compliance schedules began on January 1, 2011. The compliance schedules are designed to reduce the CI of transportation fuels used in California by at least 10 percent by the year 2020.<sup>2</sup>

<sup>1</sup> See “Background” section in “Notice of Public Hearing to Consider Adoption of a Proposed Regulation to Implement the Low Carbon Fuel Standard” for the original April 2009 public hearing, which is incorporated herein by reference and is available at <http://www.arb.ca.gov/regact/2009/lcfs09/lcfsnot.pdf>.

<sup>2</sup> The LCFS regulation is described in detail in the staff report for the original rulemaking, which was released to the public on March 5, 2009, along with other rulemaking materials available at <http://www.arb.ca.gov/regact/2009/lcfs09/lcfs09.htm>

Since the regulation went into effect, regulated parties have operated under the LCFS program with no significant compliance issues. In short, the LCFS is working as designed. Regulated parties are using the LCFS Reporting Tool (LRT) to submit electronically their quarterly progress and annual compliance reports with no known significant problems. Further, fuel producers are innovating and achieving material reductions in their fuel pathways’ carbon intensity, an effect the LCFS regulation is expressly designed to encourage, which is reflected in the large number of applications submitted under the “Method 2A/2B” process. To date, ARB staff has posted 26 submittals for Method 2A/2B applications, representing over 100 individual new or modified fuel pathways with substantially lower carbon intensities than those provided in the “Look Up” tables in the regulation,<sup>3</sup> on the LCFS portal.<sup>4</sup> Substantial credit generation also indicates successful implementation of the program; in the first quarter of 2011 alone, regulated parties reported generating about 225,000 metric tons (MT) of LCFS credits versus about 150,000 MTs of deficits.

To the extent questions from stakeholders have arisen, they have been addressed through regulatory advisories widely broadcast to stakeholders on the LCFS listserv,<sup>5</sup> issuance of an LCFS Guidance Document that responds to frequently asked questions,<sup>6</sup> and communications with individual stakeholders on their specific questions.

However, complex regulations like the LCFS generally can benefit from further refinements. Based on feedback from regulated parties as well as other stakeholders, and a review of lessons learned since implementation began, staff has identified specific areas of the regulation for clarification and other improvements. These proposed improvements are expected to better ensure the successful implementation of the LCFS.

### Description of the Proposed Regulatory Action

As noted, the proposal clarifies, streamlines, and improves certain provisions of the LCFS regulation; collectively, these changes are expected to help ensure the successful implementation of the program.

The proposed amendments address several aspects of the regulation, including: reporting requirements, cred-

<sup>3</sup> See 17 CCR section 95486(b), available at <http://www.arb.ca.gov/regact/2009/lcfs09/lcfscombofinal.pdf>.

<sup>4</sup> Pursuant to LCFS Regulatory Advisory 10–04, regulated parties are permitted to use the Method 2A/2B pathways and carbon intensities when they are posted by ARB staff prior to a hearing by the Executive Officer to consider taking action on such proposed pathways. See <http://www.arb.ca.gov/fuels/lcfs/122310lcfs-rep-adv.pdf>.

<sup>5</sup> See Advisories 10–02, 10–03, 10–04, and 10–04A at <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm>.

<sup>6</sup> See [http://www.arb.ca.gov/fuels/lcfs/LCFS\\_Guidance\\_\(Final\\_v.1.0\).pdf](http://www.arb.ca.gov/fuels/lcfs/LCFS_Guidance_(Final_v.1.0).pdf).

it trading, regulated parties, opt-in and opt-out provisions, definitions, and other clarifying language. A summary description of each of the proposed amendments is provided below; a more detailed discussion of the changes can be found in the ISOR for this proposed regulatory action.

#### Opt-In and Opt-Out Provisions

Various low-carbon and exempted fuel providers, already meeting 2020 carbon intensity standards, have expressed their intent and desire to opt into the LCFS program as a regulated party, but they are unsure of the process and if they can opt out in the future. To address this concern, staff is proposing to add specific opt-in and opt-out provisions in the regulation. These provisions would specify the process and information submittals needed for a fuel provider to opt in or opt out as a regulated party.

In addition, several out-of-state fuel producers and intermediate fuel suppliers expressed the desire to opt into the program as regulated parties. The current regulatory language does not confer regulated party status to these out-of-state entities because of jurisdictional concerns. These parties are further upstream and closer to the starting point of fuel production than currently designated regulated parties (i.e., fuel importers and California producers). To address this, staff is proposing regulatory amendments that would permit such out-of-state entities to voluntarily elect to become regulated parties and thereby become subject to California jurisdiction.

Further, several gas utilities have expressed a desire to opt into the program when a person, who would normally be qualified to opt in as a regulated party for compressed natural gas (CNG), decides not to do so. An example of this is a school district that operates its own CNG fueling station; if it chooses not to opt into the LCFS program,<sup>7</sup> the gas utilities would be able to opt into the regulation in the school district's place under specified conditions. By opting into the program in lieu of an entity that chooses not to opt in, the gas utility will be able to capture LCFS credits that otherwise would have been orphaned and unavailable for use in the credit market.

These proposed opt-in/opt-out provisions are intended to work in tandem with the enhanced regulated party changes described below.

#### Enhanced Regulated Party

Staff has identified several ways to enhance the regulated party definitions so that more fuel producers and

suppliers will become or can become regulated parties. First, as noted above, several out-of-state fuel providers and intermediate entities have expressed their desire to be able to opt in as a regulated party under the regulation. Accordingly, staff is proposing to amend the definition for "producer" to include producers in California and outside the State, and amendments to facilitate regulated party status for intermediate entities. Once an out-of-state producer opts in, it can pass the compliance obligation down to an intermediate entity before the California importer; the intermediate entity, in turn, would need to opt in to formalize its status as the regulated party for that fuel.

Second, several fuel marketers that operate transloading<sup>8</sup> facilities expressed their desire to be regulated under the program as "importers." The current regulatory text would prohibit such entities from becoming regulated parties. This is because the current definition for "import facility" requires the presence of a stationary storage tank into which the fuel is transferred after delivery into the State. Therefore, to confer regulated party status to those marketers, staff is proposing to change the definitions of "importer" and "import facility" such that the regulated party status is conferred to those entities that own title to a fuel in the transportation equipment when the fuel is delivered in California.

#### Method 2A/2B Certification

The approval of new or modified fuel pathways (i.e., a Method 2A/2B approval)<sup>9</sup> under the regulation currently requires a formal rulemaking. A formal rulemaking is a lengthy and resource-intensive undertaking, requiring an "initial statement of reasons"; a 45-day comment period; a "final statement of reasons," which provides the agency's responses to comments received on the proposal; and a public hearing. This formal process typically takes about six months to a year. Based on the potential efficiency gains, the Board directed staff under Resolution 09-31 to investigate the feasibility of converting the rulemaking process into a more streamlined certification process.<sup>10</sup> From this investigation, staff is proposing to convert the current process into an application program to facilitate more expeditious reviews of Method 2A/2B submittals.

#### Credit Trading

The current LCFS regulation allows regulated parties to trade and transact LCFS credits, but it does not specify ARB's role in the transactions, information about the credit market to be published by ARB, and other rele-

<sup>7</sup> Under section 95480.1(b) of the current LCFS regulation, an entity that provides certain low CI fuels for transportation use, such as CNG for school buses, is normally exempt from the regulation and would need to opt into the program in order to become a regulated party and generate LCFS credits.

<sup>8</sup> A "transloading" facility is one in which fuel (e.g., ethanol) is delivered by rail tank car and transferred directly into a cargo tanker truck without first going into a stationary storage tank. Indeed, transloading facilities do not have stationary storage tanks for the fuel that is delivered by rail.

<sup>9</sup> See 17 CCR section 95486(c) through (f).

<sup>10</sup> See <http://www.arb.ca.gov/regact/2009/lcfs09/res0931.pdf>.



vant provisions and requirements. Therefore, staff is proposing a new section to be added to the LCFS regulation to provide more detail on how credits and deficits will be tracked. The proposal also specifies the process for regulated parties to use for acquiring, banking, transferring, and retiring credits. Other provisions relevant to credit trading are also proposed.

#### High Carbon–Intensity Crude Oil

The current regulation contains a provision requiring regulated parties of petroleum–based fuels to account for their use of high carbon–intensity crude oil (HCICO) in their crude slates. The purpose of the HCICO provisions is to ensure that increases in the overall CI of CARBOB<sup>11</sup> and ULSD that might occur over time due to the use of more–carbon–intensive crudes are mitigated and do not diminish the emission reductions anticipated from the LCFS regulation. A regulated party is required to use the average CI value shown in the Lookup Table if the fuel/blendstock is derived from crude oil that is either not an HCICO<sup>12</sup>, or was included in the 2006 California baseline crude mix (i.e., originated from a location which contributed two percent or more of the total crude oil refined in California in 2006 [“crude basket”]). A crude oil that does not satisfy both of these conditions is referred to as non–basket HCICO.

The current regulation requires the regulated party to account for a “baseline deficit” (the difference in CI between the compliance standard and average CI for CARBOB/ULSD as shown in the Lookup Table), as well as an “incremental deficit” incurred from using a non–basket HCICO (the difference between the average CI for all crudes, including HCICO, and the actual CI of the HCICO used). Petroleum refiners in California assert that the current HCICO provisions are overly burdensome to their industry, while other stakeholders maintain that the LCFS should continue to prevent increases in lifecycle carbon emissions that could occur if higher intensity crudes are used to replace existing supplies. ARB staff worked with stakeholders to determine if there were better options that would both meet the intent of the regulation (to ensure that the LCFS benefits are not diminished due to increases in GHG emissions from higher carbon intensity crude supplies) and address, to the extent possible, the concerns laid out by the various stakeholders.

Accordingly, staff is proposing a refined accounting approach that would improve the regulation in a number of ways. The proposal is similar to the existing provision in that it would continue to require refiners to ac-

count for both a “baseline deficit” and an “incremental deficit.” This would maintain the requirement that refiners account for sector–wide changes over time due to the CI of crudes processed in California.

However, the proposal differs from the existing provision in several ways. First, the concept of a grandfathered “basket” of crudes would be replaced with a “baseline” from which additional HCICO use would be calculated. Second, the baseline deficit would be based on a more recent baseline year to reflect more accurate data than were available for the 2009 rulemaking. Third, the incremental deficit would not apply a 15.00 g CO<sub>2</sub>e/MJ bright line for differentiating between HCICOs and non–HCICOs. Instead, the proposal would eliminate the distinction entirely and simply require refiners to account for the difference in actual crude CIs that occur over time relative to a specified baseline. Thus, this would eliminate the “either/or” approach in the current provision and replace it with a continuum–based approach.

It should be noted that ARB is continuing to work with stakeholders on the development of alternatives and may propose additional modifications to this provision. Any additional modifications to this proposal would be made available for a 15–day comment period after the December 2011 Board hearing.

#### Electricity Regulated Party Revisions

The Board directed staff in Resolution 09–31 to review the provisions applicable to regulated parties for electricity and propose amendments if appropriate. Since the Board approved the regulation in 2009, the markets for electric vehicles and EV fueling infrastructure have evolved and continue to evolve. To reflect this market transformation, staff is proposing amendments that clearly designate the regulated parties for various electric vehicle (EV) charging scenarios, the requirements that would apply to designated regulated parties, and, to maximize the number of electricity–generated credits available for use in the LCFS, the default regulated party if the first–in–line regulated party declines to participate in the LCFS. The proposal would apply to potential regulated parties such as electric utilities, non–utilities installing electric vehicle service equipment (EVSE) with a customer contract, business owners, and fleet operators who include three or more EVs in their fleets.

#### Energy Economy Ratios

In Resolution 09–31, the Board directed staff to reevaluate the Energy Economy Ratios (EER) for heavy–duty vehicles burning CNG or liquefied natural gas (LNG) vehicles and update them if appropriate. Accordingly, staff has reevaluated those EERs and is proposing to revise them to reflect updated information. In addition, staff has reevaluated and proposes revisions to the EERs for light–duty battery electric vehicles

<sup>11</sup> CARBOB means the California reformulated gasoline blendstock for oxygenate blending.

<sup>12</sup> HCICO is defined as any crude oil that has a total production and transport carbon–intensity value greater than 15.00 g CO<sub>2</sub>e/MJ. See section 95486(b)(2)(A).



(BEV), plug-in-hybrid electric vehicles (PHEV), and light-duty fuel cell vehicles (FCV). These proposed changes, including proposed changes to how the EERs are used in specified LCFS calculations, reflect engine efficiency and fuel economy data that were not available during the original 2009 rulemaking. These proposed changes will affect how LCFS credits and deficits are calculated, with an overall effect of increasing LCFS credits available for trading.

#### Reporting Requirements

Staff is proposing several amendments to various reporting requirements, including elimination of the requirement to report renewable identification numbers (RINs) and energy volumes in “gasoline gallon equivalent” (GGE) units. The proposed amendments would also require reporting of volumes in their native units to the nearest whole number. Further, staff is proposing to require the use of the LCFS Reporting Tool (LRT) for reporting purposes. Although the current regulatory text does not explicitly require use of the LRT, it has become the *de facto* standard for reporting purposes by all parties registered as regulated parties, and the proposal would simply formalize what is already occurring in practice.

#### Miscellaneous Changes

The proposal contains a number of miscellaneous changes. This includes deleting the reference to the alternative fuel specification in the definitions of “compressed natural gas,” “biogas,” and “liquefied natural gas.” This change is proposed to better reflect the GHG basis of the regulation. Further, staff is proposing amendments that would codify a number of provisions specified in the LCFS regulatory advisories released to date. Finally, staff is proposing a number of grammatical, typographical, or other non-substantial corrections.

### COMPARABLE FEDERAL REGULATIONS

As noted in the 2009 notice of proposed rulemaking, there were no federal regulations that were comparable to the LCFS regulation at that time. This remains true. Therefore, there are no federal regulations that are comparable to the LCFS regulation or the proposed amendments to the LCFS regulation.

### AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The ISOR is entitled: Proposed Amendments to the Low Carbon Fuel Standard Regulation.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB’s website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on October 26, 2011.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB’s website listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons: Aubrey Sideco, Air Resources Engineer, Substance Evaluation Section, at (916) 324-3334; Floyd Vergara, Chief of the Alternative Fuels Branch, at (916) 327-5986; or Mike Waugh, Chief of the Transportation Fuels Branch, at (916) 322-6020.

Further, the agency representative and designated back-up contact persons, to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, (916) 322-4011, or Ms. Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB’s website for this rulemaking at <http://www.arb.ca.gov/regact/2011/lcfs2011/lcfs2011.htm>

### COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board’s Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has made an initial determination that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses, because as most, if not all regulated parties are relatively large businesses, and the proposed amendments clarify, streamline, and enhance the current regulations.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements in the proposed amendments to the LCFS regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

## ENVIRONMENTAL ANALYSIS

In accordance with ARB's certified regulatory program, California Code of Regulations, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB staff has conducted an analysis of the potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. The environmental analysis of the proposed regulatory action can be found in Chapter V of the ISOR.

## SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on October 31, 2011. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after October 31, 2011, and received **no later than 12:00 noon on December 14, 2011**, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources  
Board  
1001 I Street, Sacramento, California  
95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

**You can sign up online in advance to speak at the Board meeting** when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

## STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38510, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, and 41511; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). This action is proposed to implement, interpret, and make specific sections 38501, 38510, 38560, 38560.5, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, and 41511, Health and Safety Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

## HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, ARB may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. ARB may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

## SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alterno u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo at (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

## GENERAL PUBLIC INTEREST

### CALIFORNIA GAMBLING CONTROL COMMISSION

#### NOTICE OF RESCHEDULED PUBLIC HEARING CONCERNING

#### MINIMUM INTERNAL CONTROL STANDARDS (MICS) FOR GAMBLING ESTABLISHMENTS — PHASE III; GAMBLING FLOOR OPERATIONS AND HOUSE RULES CGCC-GCA-2011-02-R

**NOTICE IS HEREBY GIVEN** that the California Gambling Control Commission (Commission) has rescheduled the public hearing previously set for November 3, 2011, in the Notice of Proposed Action duly published in the *California Regulatory Notice Register* (Z-2011-0705-02, Register 2011, No. 28-Z, 07/15/2011). Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the proposed regulatory action at the rescheduled public hearing to be held at **10:00 a.m. on January 5, 2012**, in the Commission's Hearing Room located at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833.

#### PUBLIC COMMENT PERIOD

The written comment period has not been extended. Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, were to have been submitted to the Commission by September 19, 2011. Additional written comments may be received by the Commission at the above-referenced hearing.

#### CONTACT PERSON

All comments and inquiries concerning the substance of the proposed action or rescheduling of the hearing should be directed to the following contact person:

James B. Allen, Manager  
Regulatory Actions Unit  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220  
Sacramento, CA 95833-4231  
E-mail: [Jallen@cgcc.ca.gov](mailto:Jallen@cgcc.ca.gov)  
Telephone: (916) 263-4024  
Fax: (916) 263-0499



## DEPARTMENT OF FISH AND GAME

### Department of Fish and Game — Public Interest Notice

For Publication October 28, 2011  
CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Wilmington Drain Multi-Use Project  
(2080-2011-023-05)  
Los Angeles County

The Department of Fish and Game (Department) received a notice on October 17, 2011 that the City of Los Angeles Bureau of Engineering proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves the excavation and re-grading of the channel, bank stabilization, removal of non-native vegetation, installation of a trash net system, and the creation of a nature park.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (File No. FWS-LA-11B0290-11F0447)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers, Los Angeles District on September 30, 2011 which considered the effects of the project on the Federally endangered and State threatened least Bell’s vireo (*Vireo bellii pusillus*).

Pursuant to California Fish and Game Code Section 2080.1, the City of Los Angeles Bureau of Engineering is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the City of Los Angeles Bureau of Engineering will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## DEPARTMENT OF FISH AND GAME

### CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 Tracking Number 2080-2011-022-00

**PROJECT:** Continued Operation of the State Water Project  
**LOCATION:** California Delta and Central Valley  
**NOTIFIER:** California Department of Water Resources

### BACKGROUND

The proposed project (Project) by the Department of Water Resources (DWR) is the continued operation of

the State Water Project (SWP) and other water diversion, storage, and conveyance actions that are described in the Operations Criteria and Plan (OCAP) and the federal Biological Opinion (BO) issued by the U.S. Fish and Wildlife Service (USFWS) based on the OCAP Biological Assessment (BA) consultation for the protection of delta smelt (*Hypomesus transpacificus*).

Existing facilities in the Delta include Clifton Court Forebay, John E. Skinner Fish facility, Harvey O. Banks Pumping Plant (collectively referred to as the Banks Pumping Plant Complex), and the North Bay Aqueduct at Barker Slough (NBA). Facilities which are operated in coordination with the federal Central Valley Project (CVP) are the Suisun Marsh Salinity Control Gates, Roaring River Distribution System, Morrow Island Distribution System, Goodyear Slough Outfall, and the South Delta Temporary Barriers Project (TBP). The TBP has four rock barriers across south Delta channels (at Middle River near Victoria Canal, Old River near Tracy, Grant Line Canal near Tracy Boulevard Bridge, and at the head of Old River near the confluence of Old River and the San Joaquin River). Other facilities of the SWP include Lake Oroville which is operated for flood control, water supply, and power generation. Oroville facilities are part of the SWP but are not part of the Project. Oroville facilities are operated according to the existing Federal Energy Regulatory Commission (FERC) license which is in the process of being renewed.

The SWP is operated to provide flood control and water for agricultural, municipal, industrial, recreational, and environmental purposes. Water from Oroville facilities and Sacramento-San Joaquin River flows is captured in the Delta and conveyed to SWP contractors. Water is stored in Oroville Reservoir and released to serve three Feather River-area contractors and two NBA contractors, and water is delivered to an additional 24 contractors in the SWP service areas south of the Delta from the Harvey O. Banks Pumping Plant.

Facilities of the SWP are permitted by the California State Water Resources Control Board (SWRCB) to divert water in the Delta and to re-divert water that is stored in upstream reservoirs. The U.S. Bureau of Reclamation (USBR) and DWR coordinate the operations of the SWP and CVP to meet water quality, quantity, and operational criteria in the Delta set by the SWRCB and to meet federal Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.) requirements for delta smelt, winter and spring-run Chinook salmon, Central Valley steelhead, and green sturgeon.

The California Delta is home to the delta smelt, which is designated as a threatened species under the federal ESA and as an endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). Flow disruption, loss of habitat, and en-



trainment caused by SWP exports result in incidental take of delta smelt.

Because the Project has the potential to take a species listed under ESA, the USBR, on behalf of DWR, consulted with the USFWS under Section 7 of the ESA. On December 15, 2008, USFWS issued a Biological Opinion (Ref. No. 81420-2008-F-1481-5), which includes an incidental take statement (hereafter, the BO). The BO describes the Project, including conservation measures developed to minimize impacts to delta smelt, and sets forth measures to mitigate any remaining impacts to delta smelt and its habitat. The measures in the BO include one "Reasonable and Prudent Alternative" (RPA) with five components which must be implemented and adhered to. The RPA actions are to be implemented using an adaptive approach with specific defined constraints. The BO includes a detailed description of the adaptive process, its framework, and the rationale for each of the RPA components. On June 17, 2009, Chief Deputy Director McCamman of the Department of Fish and Game (DFG) received correspondence from DWR Director Snow, requesting a determination from DFG that the BO and its incidental take statement are consistent with CESA pursuant to Fish and Game Code section 2080.1. On July 16, 2010, DFG issued a consistency determination to DWR which was signed by DFG Deputy Director Sandra Morey.

On September 26, 2011, Federal District Court Judge Oliver Wanger issued a second amended order ("Wanger order") enjoining full implementation of RPA Component 3, Action 4 (the "Fall X2 Action") set forth in the December 15, 2008 USFWS biological opinion. Specifically, the Wanger order enjoins the implementation of the 74 km X2 target and prohibits the imposition of an X2 target west of 79 km commencing October 16 through November 30, 2011. The Wanger order does not completely eliminate the Fall X2 Action but instead removes the 74 km criteria from the RPA for calendar year 2011 only. All other requirements of the RPA remain in effect.

On October 10, 2011, DFG Director Bonham received a written request from DWR Director Cowin for a determination pursuant to Fish and Game Code section 2080.1 that the USFWS biological opinion for delta smelt, as enjoined in part by the Wanger order, including its incidental take statement, is consistent with CESA such that no further authorization from DFG is necessary for Project-related incidental take of delta smelt. The DWR letter, with attachments, includes information on projected hydrology and operations of the SWP and CVP.<sup>1</sup> These letter attachments include:

- 2008 Delta Smelt Biological Opinion and Incidental Take Statement;
- Judge Wanger September 26, 2011 Second Amended Order;
- Bureau of Reclamation's Memo dated July 21, 2011;
- Graph of Estimated Location of X2, dated September 27, 2011;
- Explanation of Graph (Estimated Location of X2) dated September 27, 2011; and
- CDEC Daily X2 calculations from September 1, 2011 to recent posting.

DWR's Graph of Estimated Location of X2 (dated September 27, 2011) provides information on the estimated location of X2 for October and November 2011. The Reclamation memo (July 21, 2011) describes proposed coordinated operations of the CVP and SWP for the months of September, October, and November 2011. DWR also provided a table of daily X2 calculations from September 1 through October 9, 2011 (status as of October 5, 2011). DFG evaluated all of the above information, including the DWR letter and attachments, as well as other information available to it, in making its determination.

## DETERMINATION

DFG has determined that the BO, excluding the portion of the RPA enjoined by the Wanger Order through 2011, and the incidental take statement and other RPA requirements, is consistent with CESA because the mitigation measures therein meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for DFG to authorize incidental take of CESA listed species. This determination is limited to only those actions specifically identified and analyzed in the December 15, 2008 BO. Specifically, DFG finds that take of delta smelt will be incidental to an otherwise lawful activity (i.e., SWP operations); the measures and RPAs identified in the BO, excluding the portion of the RPA enjoined by the Wanger Order through 2011, that modify flow requirements and restore habitat will minimize and fully mitigate the impacts of the taking of delta smelt; and the Project, with the prescribed measures and RPAs in place, will not jeopardize the continued existence of the species. The avoidance, minimization, and mitigation measures in the BO include, but are not limited to, the following:

### Minimization and Mitigation Measures

**Avoidance and Minimization Actions:** The BO requires SWP operational actions which are expected to provide flow conditions that reduce entrainment of delta smelt and retain necessary outflow and habitat to support all its life stages. Specific flow modification re-

<sup>1</sup> Prior to issuance of this Consistency Determination, DFG received a letter from the State Water Contractors seeking to 'join' in DWR's request. The Fish and Game Code makes no provision for joinder in such a request for a ministerial determination. DFG, therefore, did not consider the letter in making this determination.

quirements are presented in RPA Components 1 and 2, including the information necessary to determine delta smelt risk. These requirements include real-time scientific evaluation of data to inform operational changes to avoid impacts and reduce entrainment losses of delta smelt.

**Mitigation Measures:** The BO includes two actions to increase the area of suitable delta smelt habitat in the estuary: (1) Delta outflow augmentation in the fall following wet and above-normal water years. These higher-outflow conditions will be achieved in fall 2011 as a result of favorable hydrology and SWP/CVP projected operations; and (2) restoration of at least 8,000 acres of intertidal and associated subtidal habitat in the Delta and Suisun Marsh.

**Reporting and Monitoring Actions:** Conditions of the BO and respective RPAs require DWR to develop and follow specific monitoring programs to adaptively evaluate specific flow requirements and action triggers to achieve the RPA objectives. Participation in (including DFG among others), review of, and reporting requirements for these processes are all a condition of and detailed within the BO and RPAs. The BO outlines a monitoring and reporting process to determine specific operational actions set forth in RPA Components 1 and 2. RPA Components 3 and 4 include similar requirements for the design, monitoring, and adaptive management of fall flow actions to improve delta smelt habitat, as well as the implementation of required habitat restoration actions. RPA Component 5 ensures that information is gathered and reported appropriately.

**Ensured Funding:** All SWP operational actions are a conditional requirement of the BO RPAs. RPA Component 4 lays out specific conditions for DWR to create or restore the required 8,000 acres of intertidal and associated subtidal habitat in the Delta and Suisun Marsh. Included in these conditions is the requirement that an endowment or other secure financial assurance and easement be held in place by a third-party or DFG, and approved by the USFWS. This also includes secure financial assurances to fund the monitoring effort and operation and maintenance of the restoration site. To fund these mitigation actions, DWR has the statutory authority to require reimbursement in the SWP contracts for water and power for any costs DWR incurs for SWP-related fish and wildlife preservation. (Water Code, sections 2937, 12938.)

Based on this consistency determination, DWR does not need to obtain authorization from DFG under CESA for incidental take of delta smelt that occurs in connection with the Project, provided DWR implements the Project as described in the BO and complies with the measures, RPAs, and other conditions described in the BO. The suspension of the 74 km X2 target beginning October 16 and continuing through November 30, 2011, does not affect the ability of DFG to find consistency

with the BO given that the best available information indicates that the X2 location with the Wanger Order in place is comparable to the X2 location that would otherwise have been observed without the Wanger Order. In addition, the Wanger Order is only valid through calendar year 2011. The Fall X2 action is expected to be fully implemented in future years. The continued implementation of the Fall X2 action in future years when applicable is integral to DFG's ability to find consistency.

The estimated X2 locations for October 16 through November 30 are expected to be close to RPA targets. The attachments to DWR's letter (dated September 27, 2011) describe estimated X2 locations for October and November based on the "most likely case" and the "worst case" hydrologic conditions for October and November, with and without the injunction. DSM2 was used to estimate the X2 position from October 16 through October 31. A Net Delta Outflow Index (NDOI) of 5,700 cfs for November is assumed in the "worst case" circumstances and an NDOI of 9,500 cfs in the "most likely case." The "most likely case" estimate of monthly average X2 *with* the injunction in October is 74.4 km, which is nearly the same as the "most likely case" *without* the injunction (74 km). The "worst case" estimate of monthly average X2 in October *with* the injunction is 74.4 km which is also nearly the same as the "worst case" *without* the injunction (74 km). DFG concludes that favorable hydrology will result in an X2 location which is the same or nearly the same as what is required in the RPA without the injunction. The circumstance of a very slight change in location effectively ensures implementation of the X2 target as described in RPA Component 3, Action 4, notwithstanding the Wenger Order. This conclusion is also supported by the favorable hydrology in October that has occurred to date. The X2 location from October 1 to October 13 averaged 71.7 km.

In addition, it is expected that CVP and SWP operations will be consistent with the RPA component for November. DWR provided information, specifically a letter from USBR to the USFWS, dated July 21, 2011, that states if there is a net increase in Sacramento Basin CVP and SWP storage during November, the increase in reservoir storage shall be released in December in a manner consistent with the RPA. It further states that if this situation should arise, Reclamation will notify the USFWS to discuss project operations into the month of December. DWR's letter includes projections of X2 locations based on the "most likely case" and the "worst case" hydrologic conditions for November, with and without the injunction through November 30, 2011. In November, X2 is estimated to be located between 78.6 km (most likely case with injunction) and 81.9 km (worst case with injunction). Again, the circumstance

of a very slight change in location effectively ensures implementation of the X2 target as described in RPA Component 3, Action 4, notwithstanding the Wanger Order.

If the Project as described in the BO, excluding the portion of the RPA enjoined by the Wanger Order through 2011, changes after the date of this Consistency Determination, or if the USFWS amends or replaces the BO, including any of the RPAs, DWR will need to obtain from DFG a new consistency determination (in accordance with Fish and Game Code section 2080.1) or an incidental take permit (in accordance with Fish and Game Code section 2081). This determination replaces DFG's prior determination (Ref. #2080-2009-007-00) issued on July 16, 2009.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(Proposition 65)**

**NOTICE TO INTERESTED PARTIES  
October 28, 2011**

**A CHEMICAL LISTED EFFECTIVE  
October 28, 2011  
AS KNOWN TO THE STATE OF CALIFORNIA  
TO CAUSE CANCER**

Effective **October 28, 2011**, the Office of Environmental Health Hazard Assessment (OEHHA) is adding *tris(1,3-dichloro-2-propyl) phosphate (TDCPP)* (CAS No. 13674-87-8) to the list of chemicals known to the State to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65<sup>1</sup>).

*Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)* was considered by the Carcinogen Identification Committee (CIC) in its official capacity as the "state's qualified experts" at a public meeting held on October 12, 2011. The CIC determined that *tris(1,3-dichloro-2-propyl) phosphate (TDCPP)* was clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer. Regulations governing the criteria for listing of chemicals by the CIC are set out in Title 27, California Code of Regulations, section 25305(a)(1).

A complete, updated chemical list is published in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

In summary, the following chemical is being listed under Proposition 65 as known to the State to cause cancer:

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism <sup>2</sup>
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	cancer	SQE

<sup>1</sup> Health and Safety Code section 25249.5 et seq.

<sup>2</sup> Listing mechanism:

SQE – "state's qualified experts" mechanism (Title 27 Cal. Code of Regs., section 25305(a)(1)).

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE  
TO CAUSE CANCER OR  
REPRODUCTIVE TOXICITY  
October 28, 2011

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
<u>Allyl chloride</u> <u>Delisted October 29, 1999</u>	<u>107-05-1</u>	<u>January 1, 1990</u>
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
ortho-Anisidine	90-04-0	July 1, 1987
ortho-Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987



<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromochloroacetic acid	5589-96-8	April 6, 2010
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captan	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol	56-75-7	October 1, 1989
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
p-Chloroaniline	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	13010-47-4	January 1, 1988
(Lomustine)		
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
p-Chloro-o-toluidine	95-69-2	January 1, 1990
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
para-Cresidine	120-71-8	January 1, 1988

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclopenta[cd]pyrene	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988
Dienestrol	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Diesel engine exhaust	—	October 1, 1990
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011



<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine	151-56-4	January 1, 1988
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB <sub>1</sub>	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyrin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
Methyl iodide	74-88-4	April 1, 1988
4-Methylimidazole	822-36-6	January 7, 2011
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
Methylthiouracil	56-04-2	October 1, 1989

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furylazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro-o-anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
o-Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
o-Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o-Phenylphenate, sodium	132-27-4	January 1, 1990
o-Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Pirmicarb	23103-98-2	July 1, 2008
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992



<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Pirimicarb	23103-98-2	July 1, 2008
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
<i>p</i> -a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4'-Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> ( <i>Fusarium verticillioides</i> )	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
<u>Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)</u>	<u>13674-87-8</u>	<u>October 28, 2011</u>
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminogluthethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999
1-Bromopropane	developmental, female, male	106-94-5	January 17, 2003
2-Bromopropane	female, male	75-26-3	December 7, 2004
Bromoxynil	developmental	1689-84-5	May 31, 2005
			October 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989Cyclo-
phosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998



<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
2,4 DP (dichloroprop) <u>Delisted January 25, 2002</u>	developmental	120-36-5	April 27, 1999
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl-tert-butyl ether	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental male	74-87-3	March 10, 2000 August 7, 2009
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
$\alpha$ -Methylstyrene	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide)	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylphosphine	developmental	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/ retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991



<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur s]dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: October 28, 2011

# SUMMARY OF REGULATORY ACTIONS

## REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-0902-02  
California Apprenticeship Council  
Apprentice Dispatch

The California Apprenticeship Council amended title 8, California Code of Regulations, section 230.1. The amendment establishes a minimum amount of hours that a contractor is required to request for the dispatch of an apprentice for a public works project.

Title 8  
California Code of Regulations  
AMEND: 230.1(a)  
Filed 10/17/2011  
Effective 11/16/2011  
Agency Contact: Lucy Wang (415) 703-5202

File# 2011-0902-01  
CALIFORNIA APPRENTICESHIP COUNCIL  
Apprentice Complaint Process

This regulatory action amends the administrative process for apprentice discipline, filing of complaints and related appeals. It creates a new appeals process for requests to terminate apprentice agreements and apprentice discipline.

Title 8  
California Code of Regulations  
ADOPT: 207.1  
AMEND: 201, 202, 203, 207  
Filed 10/17/2011  
Effective 11/16/2011  
Agency Contact: Lucy Wang (415) 703-5202

File# 2011-0830-08  
CALIFORNIA BLUEBERRY COMMISSION  
Conflict of Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2  
California Code of Regulations  
AMEND: 59690  
Filed 10/12/2011  
Effective 11/11/2011  
Agency Contact:  
Ann M. Grottveit (916) 448-3826

File# 2011-0907-02  
CEMETERY AND FUNERAL BUREAU  
Board to Bureau, Executive Officer to Bureau Chief, Etc.

This action updates regulatory provisions to reflect the statutory consolidation of the former Cemetery Board into the Cemetery and Funeral Bureau within the Department of Consumer Affairs. It also makes other non-substantive changes to authority and reference citations, gender designations and depiction of numerical values.

Title 16  
California Code of Regulations  
AMEND: 2300, 2302, 2303, 2304, 2311, 2315, 2320, 2321, 2322, 2324, 2326, 2326.1, 2327, 2328, 2328.1, 2329, 2330, 2331, 2332, 2336, 2337, 2338, 2339, 2340, 2351, 2370, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388  
Filed 10/17/2011  
Agency Contact: Joy Korstjens (916) 574-7878

File# 2011-0830-07  
DENTAL BOARD OF CALIFORNIA  
Dental Assisting Educational Programs and Courses

This rulemaking action by the Dental Board of California (Board) combines elements of various outdated regulations and expired statutes with revised language to create new rules governing Board approval of educational programs and courses for training Registered Dental Assistants, Registered Dental Assistants with Extended Functions, Orthodontic Assistants, and Dental Sedation Assistants.

Title 16  
California Code of Regulations  
ADOPT: 1070.6, 1070.7, 1070.8  
AMEND: 1070, 1070.1, 1070.2, 1071  
REPEAL: 1071.1  
Filed 10/12/2011  
Effective 11/11/2011  
Agency Contact: Sarah Wallace (916) 263-2187

File# 2011-1018-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Oriental Fruit Fly Interior Quarantine

The California Department of Food and Agriculture filed an emergency regulatory action to make revisions to section 3423 of title 3 of the California Code of Regu-

lations, Oriental Fruit Fly Interior Quarantine (Quarantine Regulation 28), to (1) add the Anaheim area in Orange and Los Angeles counties to the quarantine area and (2) expand the quarantine area in the northern area of Stockton in San Joaquin county by approximately three square miles.

Title 3  
California Code of Regulations  
AMEND: 3423(b)  
Filed 10/19/2011  
Effective 10/19/2011  
Agency Contact:  
Stephen S. Brown (916) 654-1017

File# 2011-1006-01  
DEPARTMENT OF FOOD AND AGRICULTURE  
Seed Assessment Fee

The Department of Food and Agriculture amended the annual seed assessment fee in title 3, California Code of Regulations, section 3906 from \$0.28 to \$0.25 per one hundred dollars gross annual dollar volume sales of seed for the preceding fiscal year.

Title 3  
California Code of Regulations  
AMEND: 3906  
Filed 10/12/2011  
Effective 11/11/2011  
Agency Contact: Lindsay Rains (916) 654-1017

File# 2011-0922-01  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
Proposition 65 — Quantitative Risk Assessment

The Office of Environmental Health Hazard Assessment submitted this action to amend Title 27, California Code of Regulations, section 25703(a)(6). The amendment modifies the calculation used to convert estimates of animal cancer potency to estimates of human cancer potency, which is used to calculate no significant risk levels for carcinogens listed under Proposition 65. The amendment changes the existing regulatory provision to a ratio of human to animal bodyweight to one-fourth power for interspecies conversion and deletes the provision giving specific scaling factors for mice and rat data.

Title 27  
California Code of Regulations  
AMEND: 25703(a)(6)  
Filed 10/12/2011  
Effective 11/11/2011  
Agency Contact: Monet Vela (916) 323-2517

File# 2011-0907-04  
STATE ALLOCATION BOARD  
Leroy F. Green School Facilities Act 1998; Inactive CSFP Preliminary Apportionments

This action readopts and extends until July 1, 2012 regulatory provisions allowing the State Allocation Board to administer inactive preliminary charter school apportionments and reactivate these same projects once bond funds become available for apportionments.

Title 2  
California Code of Regulations  
AMEND: 1859.166.2  
Filed 10/18/2011  
Effective 10/18/2011  
Agency Contact: Robert Young (916) 375-5939

File# 2011-0915-02  
STATE AND CONSUMER SERVICES AGENCY  
Conflict-of-Interest Code

The State and Consumer Services Agency is amending their conflict-of-interest code found at title 2, div. 8, ch. 4, sec. 25001, California Code of Regulations. The changes were approved for filing by the Fair Political Practices Commission on August 18, 2011.

Title 2  
California Code of Regulations  
AMEND: 25001  
Filed 10/17/2011  
Effective 11/16/2011  
Agency Contact: Janet Nannini (916) 657-2539

File# 2011-1012-01  
STATE WATER RESOURCES CONTROL BOARD  
Emergency Regulations to Conform with Budget Act 2011-12

This regulatory action adjusts the annual fee schedules assessed on persons issued waste discharge permits to conform to revenue levels set forth in the Budget Act for Fiscal Year 2011-2012 and makes other nonsubstantive changes. Emergency regulations adopted pursuant to Water Code section 13260(f)(2) are deemed an emergency by the Legislature and are exempt from review by the Office of Administrative Law.

Title 23  
California Code of Regulations  
ADOPT: 2200.7  
AMEND: 2200, 2200.6  
Filed 10/19/2011  
Effective 10/19/2011  
Agency Contact:  
David Ceccarelli (916) 341-5999

File# 2011-0914-02

SUPERINTENDENT OF PUBLIC INSTRUCTION  
Work Permits

This rulemaking establishes the form required for a Certificate of Age, which serves as a work permit for a minor who is not required by law to attend school but still required to hold a permit to be employed. This action also specifies that no permit is required for employment in unpaid training, volunteer, or in-school placement positions.

Title 5

California Code of Regulations

ADOPT: 10120.1, 10121

Filed 10/18/2011

Effective 11/17/2011

Agency Contact: Cynthia Olsen (916) 319-0584

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN May 25, 2011 TO  
October 19, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

10/18/11 AMEND: 1859.166.2  
10/17/11 AMEND: 25001  
10/12/11 AMEND: 59690  
10/05/11 ADOPT: 649.21  
09/27/11 ADOPT: 599.506(f) AMEND:  
599.502(f)  
09/21/11 AMEND: 1859.90.2  
09/08/11 AMEND: 1859.2, 1859.82  
09/07/11 ADOPT: 10000, 10001, 10002, 10003,  
10004, 10005, 10006, 10007, 10008,  
10009, 10010, 10011, 10012, 10013,  
10014, 10015, 10016, 10017, 10018,  
10019, 10020, 10021, 10022, 10023,  
10024, 10025, 10026, 10027, 10028,  
10029, 10030, 10031, 10032, 10033,  
10034, 10035, 10036, 10037, 10038,  
10039, 10040, 10041, 10042, 10043,  
10044, 10045, 10046, 10047, 10048,  
10049, 10050, 10051, 10052, 10053,  
10054, 10055, 10056, 10057, 10058,

10059, 10060, 10061, 10062, 10063,  
10064, 10065, 10066

09/06/11 AMEND: 29000  
09/01/11 ADOPT: 58600 REPEAL: 58600  
09/01/11 AMEND: 54200  
09/01/11 AMEND: 54600  
08/08/11 ADOPT: 59700  
07/27/11 AMEND: 1859.90.2, 1859.81  
07/15/11 AMEND: 1151, 1153, 1155.500, 1165,  
1170, 1172.20  
07/11/11 ADOPT: 21903.5 AMEND: 21903  
07/11/11 ADOPT: 570.5 AMEND: 571(b)  
07/06/11 AMEND: 1859.2, 1859.81, 1859.148.2,  
1859.166.2  
07/06/11 AMEND: 18360  
07/05/11 AMEND: 649.3, 649.18, 649.20, 649.24  
06/30/11 AMEND: 633.9  
06/21/11 REPEAL: 59152  
06/07/11 AMEND: 640

**Title 3**

10/19/11 AMEND: 3423(b)  
10/12/11 AMEND: 3906  
10/10/11 ADOPT: 3591.25  
10/10/11 AMEND: 3423(b)  
09/29/11 AMEND: 3434(b)(8)  
09/28/11 AMEND: 3425(b)  
09/19/11 AMEND: 3423(b)  
09/15/11 AMEND: 3591.2(a)  
09/07/11 AMEND: 3591.2(a)  
08/23/11 ADOPT: 6131 AMEND: 6128, 6130  
08/23/11 ADOPT: 1392.4.1 AMEND: 1392,  
1392.1, 1392.2, 1392.4, 1392.6,  
1392.8.1, 1392.9, 1392.11  
08/03/11 AMEND: 3437(b)  
07/28/11 REPEAL: 1400.9.1  
07/15/11 AMEND: 3434(b)  
07/15/11 AMEND: 3589  
07/15/11 REPEAL: 3286  
07/08/11 AMEND: 3658  
07/05/11 ADOPT: 3701, 3701.1, 3701.2, 3701.3,  
3701.4, 3701.5, 3701.6, 3701.7, 3701.8  
AMEND: 3407  
06/28/11 AMEND: 3591.15(a)  
06/27/11 AMEND: 3437(b)  
06/22/11 AMEND: 3435(b)  
06/15/11 AMEND: 3437(b)  
05/31/11 AMEND: 3437(b)

**Title 4**

10/04/11 AMEND: 1658  
09/30/11 AMEND: 12100, 12101, 12200.3,  
12200.5, 12200.6, 12200.9, 12200.10B,  
12200.14, 12202, 12205.1, 12218,  
12218.7, 12218.8, 12220.3, 12220.5,  
12220.6, 12220.14, 12222, 12225.1,



	12233, 12235, 12238, 12300, 12301.1, 12309, 12350, 12354, 12358, 12359, 12362, 12400, 12404, 12463, 12464	09/19/11	ADOPT: 74112, 75020, 75030, 75040, 75050, 75150, 75200, 75210 AMEND: 74110
09/28/11	ADOPT: 8035.5	08/15/11	ADOPT: 19817.2, 19817.5, 19840, 19846.1 AMEND: 19815, 19816, 19816.1, 19817.1, 19846
09/20/11	AMEND: 12590	08/15/11	ADOPT: 40050.2
09/07/11	ADOPT: 1500.1 AMEND: 1498	08/15/11	ADOPT: 40050.3
08/16/11	ADOPT: 8078.2 AMEND: 8070, 8072, 8073, 8074	08/15/11	AMEND: 40100.1
08/10/11	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037	08/15/11	AMEND: 40404
07/27/11	AMEND: 5064	08/15/11	AMEND: 40405.1
07/21/11	ADOPT: 1844.1	08/15/11	ADOPT: 40509
07/20/11	AMEND: 4800, 4801, 4802	08/15/11	ADOPT: 40513
07/20/11	AMEND: 150	08/15/11	ADOPT: 40514
07/12/11	AMEND: 1606, 1974, 1954.1, 1957, 1959, 1976, 1976.8, 1976.9, 1977, 1978, 1979, 1979.1	08/15/11	ADOPT: 40515
07/01/11	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5133, 5140, 5141, 5142, 5143, 5144, 5150, 5151, 5152, 5153, 5154, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5221, 5230, 5231, 5232, 5240, 5241, 5250, 5251, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5361, 5362, 5363, 5369, 5370, 5371, 5380, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590	08/15/11	ADOPT: 40516
		08/15/11	ADOPT: 41021
		08/15/11	ADOPT: 41022
		08/04/11	ADOPT: 1039.1
		08/04/11	AMEND: 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.6
		06/21/11	AMEND: 58771
		06/20/11	ADOPT: 80048.9, 80048.9.4 AMEND: 80046.1, 80048.5, 80070.1, 80070.2, 80070.3, 80070.4, 80070.5, 80070.6 REPEAL: 80046, 80070.7, 80070.8
<b>Title 7</b>		08/16/11	AMEND: 218
<b>Title 8</b>		10/17/11	AMEND: 230.1(a)
		10/17/11	ADOPT: 207.1 AMEND: 201, 202, 203, 207
		09/19/11	AMEND: 15201, 15214, 15251, 15300, 15400.2, 15405, 15430.1, 15478, 15481, 15484
		09/06/11	AMEND: 8608
		08/29/11	AMEND: 1504, 3207
		08/10/11	ADOPT: 3302 AMEND: 3308
		08/05/11	ADOPT: 1603.1 AMEND: 1504, 1600, 1602, 1603
		08/01/11	AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464
06/24/11	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036	07/28/11	ADOPT: 6799.1 AMEND: 6755
06/21/11	AMEND: 1876	07/07/11	ADOPT: 1610 (section heading), 1610.1, 1610.2, 1610.3, 1610.4, 1610.5, 1610.6, 1610.7, 1610.8, 1610.9, 1611 (section heading), 1611.1, 1611.2, 1611.3, 1611.4, 1611.5, 1612 (section heading), 1612.1, 1612.2, 1612.3, 1612.4, 1613 (section heading), 1613.1, 1613.2, 1613.3, 1613.4, 1613.5, 1613.6, 1613.7, 1613.8,
06/15/11	ADOPT: 340 AMEND: 221, 222, 226, 230, 288, 300 REPEAL: 262		
05/31/11	AMEND: 8078.2		
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10/18/11	ADOPT: 10120.1, 10121		
09/22/11	ADOPT: 80069.2 AMEND: 80070		
09/19/11	ADOPT: 30001.5		

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06/27/11	REPEAL: 10119, 10120	08/16/11	AMEND: 1800
06/20/11	AMEND: 10250.1	07/06/11	ADOPT: 1231.2 AMEND: 1200, 1201, 1217, 1221, 1222, 1232
06/02/11	AMEND: 5154(j)(1)	07/01/11	AMEND: 156.00, 156.01
05/31/11	AMEND: 5155	<b>Title 13, 17</b>	
<b>Title 9</b>		06/20/11	AMEND: Title 13: 2299.5 and Title 17: 93118.5
10/04/11	ADOPT: 7016.1, 7019.6, 7025.7, 7028.7, 7179.7 AMEND: 7098, 7179.1, 7181.1	<b>Title 14</b>	
08/08/11	ADOPT: 4500, 4510, 4520	10/05/11	AMEND: 913.4, 933.4, 953.4, 959.15 REPEAL: 939.15
<b>Title 10</b>		10/05/11	AMEND: 913.4, 933.4, 953.4, 959.15 REPEAL: 939.15
09/26/11	ADOPT: 2785	10/04/11	AMEND: 29.15
09/26/11	ADOPT: 2830	09/28/11	AMEND: 11900
09/26/11	ADOPT: 2725.5, 2960, 2961, 2962, 2963 AMEND: 2930	09/22/11	AMEND: 565, 565.4, 566, 566.1, 569, 570, 571, 572, 573, 576, 583, 593, 598.60, 599
09/22/11	AMEND: 2318.6, 2353.1	09/22/11	AMEND: 7.50(b)(1.5), 27.65, 29.80
09/22/11	AMEND: 2318.6, 2353.1, 2354	09/16/11	AMEND: 11900, 11970
08/11/11	AMEND: 2731	09/08/11	AMEND: 300, 311
08/01/11	AMEND: 3012.3	08/30/11	ADOPT: 3550.16
07/27/11	AMEND: 2770.1, 2847.3	08/29/11	AMEND: 502
07/25/11	AMEND: 2222.12	08/08/11	ADOPT: 1052.5 AMEND: 895, 916.9, 936.6, 956.9, 1052, 1052.1, 1052.2
07/13/11	AMEND: 210, 221	08/03/11	ADOPT: 1051.3, 1051.4, 1051.5, 1051.6, 1051.7 AMEND: 895
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07/07/11	AMEND: 260.204.9	07/14/11	AMEND: 791, 791.7, 792, 793, 794, 795, 796 REPEAL: 791.5
06/30/11	AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725	07/12/11	ADOPT: 749.6
05/31/11	REPEAL: 2274.74, 2274.77	07/08/11	ADOPT: 708.1, 708.2, 708.3, 708.4, 708.5, 708.6, 708.7, 708.8, 708.9, 708.10, 708.11, 708.12, 708.13, 708.14, 708.15, 708.16, 708.17 AMEND: 360, 361, 362, 363, 364, 365, 366, 353, 354, 478.1, 702, 711 REPEAL: 708
<b>Title 11</b>		06/21/11	AMEND: 7.50
10/07/11	ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22	06/16/11	AMEND: 7.00, 7.50
10/06/11	AMEND: 30.14	06/13/11	AMEND: 632
10/06/11	ADOPT: 30.16	06/09/11	AMEND: 27.20, 27.25, 27.30, 27.32 (renumbered to 27.35), 27.35 (renumbered to 27.40), 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65, 52.10, 150.16 REPEAL: 27.40, 28.51, 28.52, 28.53, 28.57
09/28/11	AMEND: 1081		
09/28/11	AMEND: 1005		
09/02/11	ADOPT: 101.2		
09/02/11	AMEND: 101.1		
06/06/11	AMEND: 51.7		
06/01/11	AMEND: Article 20, section 51.2		
05/31/11	AMEND: Article 20, section 51.25		
05/25/11	ADOPT: Article 20, section 51.27		
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10/07/11	ADOPT: 345.03, 345.75, 345.76, 345.77		
09/15/11	AMEND: 2190		

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 09/27/11 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323  
 08/16/11 ADOPT: 3769, 3769.1, 3769.2, 3769.3, 3769.4, 3769.5, 3769.6  
 08/03/11 AMEND: 3000  
 07/28/11 ADOPT: 3084.8, 3084.9, 3086 AMEND: 3000, 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3137, 3173.1, 3179, 3193, 3220.4, 3482, 3630, 3723 REPEAL: 3085  
 07/19/11 AMEND: 3090, 3176.4, 3315, 3323  
 07/07/11 ADOPT: 3076.4, 3076.5 AMEND: 3076, 3076.1, 3076.2, 3076.3  
 06/27/11 AMEND: 3140  
 06/20/11 ADOPT: 8007, 8008 AMEND: 8000  
 06/15/11 ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000  
 06/15/11 ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000  
 06/14/11 AMEND: 3000, 3045.3, 3123, 3134, 3250.4, 3269.1, 3274, 3383, 3482  
 06/02/11 AMEND: 3378  
 05/26/11 ADOPT: 1747.1, 1749.1, 1750.1 AMEND: 1706, 1747, 1748, 1749, 1750, 1752, 1756, 1757, 1767  
 05/26/11 AMEND: 3025, 3291, 3296, 3300, 3301, 3383, 3397 REPEAL: 3302

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 10/12/11 ADOPT: 1070.6, 1070.7, 1070.8 AMEND: 1070, 1070.1, 1070.2, 1071 REPEAL: 1071.1  
 10/10/11 AMEND: 2450, 2451  
 10/06/11 ADOPT: 1399.507.5, 1399.523.5, 1399.527.5 AMEND: 1399.503, 1399.523  
 10/04/11 AMEND: 972  
 09/29/11 AMEND: 1398.26.1  
 09/27/11 ADOPT: 3394.40, 3394.41, 3394.42, 3394.43, 3394.44, 3394.45, 3394.46  
 09/22/11 AMEND: 1202, 1203, 1204, 1205, 1208, 1208.1, 1210, 1211, 1213, 1214, 1221, 1223, 1223.1, 1225, 1229, 1230, 1234, 1240, 1241, 1243, 1244, 1245, 1246, 1253, 1253.5, 1253.6, 1254, 1256, 1258.3, 1267, 1268, 1269, 1271

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 09/22/11 AMEND: 109, 121  
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 08/18/11 AMEND: 995  
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 08/01/11 AMEND: 1327  
 07/21/11 AMEND: 1005  
 07/20/11 ADOPT: 4145 AMEND: 4141  
 07/12/11 ADOPT: 1399.547  
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 06/14/11 AMEND: 1398.44, 1399, 1399.85  
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 09/23/11 AMEND: 6540  
 09/21/11 AMEND: 56034  
 09/19/11 AMEND: 54342, 57332  
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 08/29/11 ADOPT: 58883, 58884, 58886, 58887, 58888 AMEND: 50604, 54355, 58543  
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 06/08/11 ADOPT: 30108.1, 30226 AMEND: 30108, 30115, 30125, 30145, 30190, 30191, 30192, 30192.1, 30192.2, 30192.3, 30192.4, 30192.5, 30192.6, 30225, 30257 REPEAL: 30236

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 09/26/11 AMEND: 19591  
 09/26/11 AMEND: 1533.2, 1598  
 09/22/11 ADOPT: 25128.5  
 08/16/11 ADOPT: 1685.5  
 07/20/11 AMEND: 25106.5-11  
 07/08/11 ADOPT: 2558.1  
 06/22/11 AMEND: 1507

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06/30/11 AMEND: 1160.10  
06/21/11 AMEND: 200, 201, 202, 204, 208, 209, 212

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09/29/11 AMEND: 72516, 73518  
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09/16/11 ADOPT: 2706-8 AMEND: 2706-1, 2706-2  
09/13/11 AMEND: 50605  
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07/19/11 ADOPT: 64430  
06/29/11 AMEND: 51008.5  
06/23/11 ADOPT: 70058, 71054, 72094, 73092, 74650, 76138, 76831.1, 78094.1, 79063, 79570 AMEND: 70707, 70715, 71507, 71515, 72521, 72527, 73519, 73523, 74717, 74743, 76521, 76525, 76555, 76916, 76918, 78437, 79313, 79799

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09/29/11 AMEND: 86500, 86501

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10/19/11 ADOPT: 2200.7 AMEND: 2200, 2200.6  
09/15/11 ADOPT: 3945.2  
09/08/11 ADOPT: 3929.7  
07/27/11 AMEND: 3939.19  
07/14/11 ADOPT: 3919.10  
07/08/11 ADOPT: 596, 596.1, 596.2, 596.3, 596.4, 596.5  
07/05/11 ADOPT: 597, 597.1, 597.2, 597.3, 597.4  
06/21/11 ADOPT: 3959.4  
06/08/11 ADOPT: 3929.6  
06/08/11 AMEND: 3006  
05/31/11 ADOPT: 3939.39

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09/26/11 AMEND: 25805  
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06/29/11 AMEND: 25805

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06/02/11 AMEND: 31-002, 31-075, 31-206, 31-320, 31-505, 31-510